The New-York Times.

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LATEST BY TELEGRAPH.

IMPORTANT FROM WASHINGTON.

Government Action in Regard to the Late British Outrages.

Letter from Secretary Cass to Lord Napier.

INSTRUCTIONS TO MINISTER DALLAS.

Important Naval Arrangements—Proofs of the Outrages, &c.

The Bill to Repeal the Fishing Bounties Act Passed by the Senate.

The Utah Intelligence—The Tehuantepec Treaty—Arrival of New-York Politicians—Proposed Government Loans, &c.

Special Dispatch to the New-York Times.

WASHINGTON, Wednesday, May 19.

The continued absence of any dispatches here confirming the Utah intelligence disposes the War Department to doubt its authenticity. Gen. CASS, however, credits a portion of it. Mr. GARNETT, who gave the news reported yesterday to the St. Louis Republican, lied to another here, who says he has all the dispatches for knowing what had occurred, but the only part of the news he confirms is fact. Cumming had gone to Salt Lake City, and that a portion of the Mormons were disposed to peace. Not much, after all, has been made. The Administration will not alter the plans concerning the new regiments in consequence of these reports.

Senator MASON'S resolution calling for information relative to the affairs of the Tehuantepec Treaty is a shot from Sioux, intended to prevent the signing of the contract to carry the mails over that route by the Tehuantepec Company, which was to have been done to-day. The contract obtained by the latter from the Mexican Government is claimed to be in front of the Sloo grant, and as such was protested against by Mr. FOSDICK. Senators BENJAMIN and SLIDELL are among the parties interested in the Tehuantepec Company's contract, against which Sloo is determined to make a desperate fight. The answer to MASON'S resolution is looked for with great interest.

There has been a large arrival of New-York politicians, among whom are DEAN RICHMOND, Gov. CLARK, and CORNWELL, of the Albany *Argus*. A number of appointments and confirmations are to be finished after.

A lively debate took place to-day on the Appropriation bill. There was a very sharp passage between GLANCY JONES and SHERMAN, caused by the allusion of JONES to the fact that no Republican members have been invited to dine with the President this Winter.

In consequence of the attention directed towards the purchase of Lime Point, California, for Military purposes, the Secretary of War has directed the District Attorney not to complete the purchase. Two hundred thousand dollars are thereby saved.

There was a trial at the Arsenal, to-day, of LEE'S new breech-loading cannon. Fifty rounds were fired, the gun exhibiting immense penetration and range. The official trial will take place in a few days.

O.

The Late British Outrages—Government Action.

WASHINGTON, Wednesday, May 19.

The President sent a brief message to the Senate to-day, transmitting some documents in reply to a resolution heretofore adopted. The most interesting among them is a note to Lord NAPIER, dated May 6, in which Secretary CASS says that in his letter of the 20th inst., he alluded to the statements then appearing in the public journals, that a merchant vessel of the United States, the *N. B. Borden*, had been fired at and boarded by a British vessel-of-war, the *Styx*, off the coast of Cuba, and informed him that he had received no official information upon the subject, and therefore could say nothing as to the truth of the report; but that he had taken measures to ascertain whether such an occurrence had happened. He now communicated to his Lordship a copy of a letter from the Collector of the Customs at Savannah, inclosing a statement of the Captain of the *N. B. Borden*, by which it appears that an unjustifiable act of violence has been committed against a merchant vessel of the United State, to which the attention of Her Majesty's Government is requested, in the confident expectation that the act will be disavowed, and such measures adopted as are called for by the circumstances, and as will tend to prevent the occurrence of similar proceedings hereafter.

Lord NAPIER replies, May 18, that he had the honor to receive Secretary CASS' letter, conveying an account of the circumstances which are alleged to have attended the boarding of the American vessel, *N. B. Borden*, by Her Majesty's steamer *Styx*. He says he has transmitted copies of Gen. CASS' communication to Her Majesty's Government and to the Commander-in-Chief of Her Majesty's forces on the West India station.

GEN. CASS TO MR. DALLAS.

GEN. CASS writes to MR. DALLAS May 12:

SIR: The accompanying papers, copies of the originals, which have just been received, will make known to you that another outrage has been committed against the rights of the United States by a British armed vessel, which calls for the immediate attention of the British Government.

I am persuaded that if the occurrences took place, as they are stated, the conduct of the British officers will be disavowed and condemned.

I beg you would communicate to Lord MALMESBURY the earnest desire of the President that this practice, which seems to become more prevalent, of detaining and searching American vessels should be discontinued, and that the most peremptory order for that purpose should be given and enforced. Such a measure is called for by important considerations, which must commend it to you.

While the Government is determined to use all proper exertions for the suppression of the slave-trade, *it is not less desirous that the just immunities of vessels* of the United States upon the ocean should be preserved, whatever may have been the true object of it.

If she had papers stating her American character, she was subject to neither search nor capture by the British cruiser. I do not doubt that the facts reported will be fully investigated by order of the British Government, and proper measures taken to prevent a recurrence of a similar act hereafter. I call your attention, also, to the circumstances reported by the Consul-General at Havana, showing the existence of a kind of police system, by which American vessels in that port are watched and interfered with, and have to request that you bring the matter to the attention of the Earl of MALMESBURY, with a view to the correction of the evil.

CUSHING CASE TO SECRETARY TOUCEY.

General CASS, in a letter to Secretary TOUCEY, May 12, communicates the statement of the Consul-General at Havana, relative to the aggressive outrages recently committed against a vessel of the United States. He adds that he is firmly persuaded that the British Government will not justify these acts, and that it is possible the proceedings in this case may not have been of the flagrant character presented; still the subject calls for the immediate attention of the Government, and Mr. DALLAS has been instructed to bring it to the consideration of the British Government, with a view to such action as the circumstances demand. Outrages of this nature against our vessels if long continued, cannot fail to lead to most unpleasant consequences. It appears that several British armed vessels are cruising on the coast of Cuba, and that our merchant vessels are exposed to vexatious interruption by their interference. It is proper, therefore, a vessel should be dispatched with instructions to render prompt protection to all American vessels who need it. The forcible search by officers of that power on the high seas cannot be tolerated.

NAVAL APPROPRIATIONS.

The Secretary of the Navy wrote to the President on the 8th of May that the United States steamer Potomac, Capt. ADAMS, had been ordered to cruise actively on the southern coast of Cuba, and take such measures as may be deemed necessary to protect all vessels of the United States on the high seas from search or detention from vessels-of-war of any other nation. Orders have been given for the preparation of the steam Screw-sloop and brig Dolphin to join the Home Squadron for the purpose of assisting in the suppression of the slave-trade, and that the steam frigate Wabash now fitting out in New-York as the flag ship of the Mediterranean Squadron, has been directed to show her flag in those waters, and protect at all times the persons and property of American citizens.

GEN. CASS TO MR. DALLAS.

Secretary CASS writing to Mr. DALLAS, May 16, informs him that various statements have been made in the public papers showing that there are cases of forcible detentions and searches of American vessels by British armed ships of war, in the Gulf of Mexico and adjoining seas. In every case where these reports have come to the knowledge of the State Department, application has been made immediately to the proper Collector to procure from the captain of the vessel a particular account of the outrage, with a view to make it the subject of reclamation upon the British Government.

Answers to some of these publications have been received, and copies of them, agreeable to the annexed list, are herewith transmitted for your information, as well as for your prompt notice. You shall be kept advised of these assaults on our national rights.

In addition to these aggressions on the high seas, another feasible act of violence against several of our merchant vessels, said to be eleven in number, a forcible entry and examination has been committed by a British armed steamer in the harbor of Sagua la Grande in the Island of Cuba. No authentic report has reached the Department with the exception of a letter from our Consul-General at Havana, and of which a copy is transmitted. Proper measures have been taken to procure all the necessary information, which will be forwarded you.

When all the facts have been ascertained, proper representations will be made without delay to the Government of Her Catholic Majesty, against this search of American vessels by the naval force of another power, within the territorial jurisdiction of Spain. The Government of the United States is satisfied that the Government of that country will adopt the most efficient measures to protect their vessels resorting to Spanish ports, from lawless violence. Such protection they are entitled to; and if it is not secured elsewhere it must be found in the power of our own country.

Secretary CASS says he is not informed whether any injury was sustained in consequence of the proceedings against those vessels. If there were, it is expected it will be made good by the Spanish Government, or by means of its interposition with the Government of Great Britain.

These flagrant violations of the rights of the United States, he adds, have excited deep feeling through the country, and have attracted the attention of both Houses of Congress. Their continuance cannot fail to produce the most serious effect upon the relations of the countries. The President confidently believes that the British naval officers, in the adoption of these high-handed measures, have acted without the authority, and have mistaken the views of their Government.

But it is not less due to the United States than to their conduct shall be disavowed and peremptory orders issued to prevent the recurrence of similar proceedings. You will communicate to Earl MALMESBURY the reasonable expectation of the President that this subject shall receive the immediate attention of Her Britannic Majesty's Government, and that the officers who have been guilty of these outrages shall be held properly responsible for their conduct, and that where pecuniary losses have been sustained the interested parties shall receive just compensation. You will invite the particular attention of Lord MALMESBURY to the occurrence at Sagua la Grande, and to the just expectation of the United States that the measure of redress adopted by the British Government upon this case will be such as to mark with its displeasure the conduct of the officers whose proceedings have given serious cause of offence to a friendly power, and to prevent similar interference hereafter.

EVIDENCE OF THE OUTRAGES.

Mr. BLYTH, Consul-General at Havana communicates to the State Department, under date of April 29, a statement of the capture of the schooner *Cortez*, of New-York, by the British gunboat *Forward* on or about the 15th of April, about half way between Havana and Matanzas. He says that for some time time past a number of British gunboats and large vessels have been active in cruising for slavers on the north and south side of the Island. Many complaints have been made by American masters that espionage has been exercised over their vessels both annoying and insulting in their character. The American brig *A. A. Chapman*, trading to New-Orleans, was thus annoyed on her last visit to Havana. Her commander complained, and expressed fears of being pursued and boarded. Similar complaints were made a few days after by Mr. SIMPSON, captain of the *Bonneville*, in the same trade. SAMUEL UZZELMAN, of the bark *Glenburn* of Richmond, complained that he was stopped on the 15th April by the British steamer *Sanlisk*, while on a voyage from Antwerp to Havana, and boarded by an officer, who stated that he had orders from the Admiral at Jamaica to board any vessel in the neighborhood of Cuba.

Several affidavits from passengers on board the schooner *Cortez* accompany Consul BLYTH'S letter, one of whom says he was robbed by the crew of the *British gun-boat, the captain of which was drunk*. There is also the evidence of the seamen, sustaining the facts alleged.

The documents were referred to the Committee on Foreign Relations.

Mr. BOCOCK has made a report in the House from the *Select Committee on the Tariff, &c.* It takes the ground that the protective policy should be entirely abandoned, and that resort should be made, as early as practicable, to direct taxation, as a measure of economy. Articles of prime necessity should be taxed at the lowest rate of duty, and the burden thrown, as much as possible, on luxuries. The navigation laws should be so modified as not to require any portion of the officers and crews of *American ships to be American seamen, and that American* citizens shall be free to purchase and sail foreign *ships on an entire equality with American built ships*, and that the American coasting trade shall be open *on terms of perfect equality to foreign built ships*. The Committee say they do not entertain the hope that they can inaugurate a new policy now. Such radical changes must be the work of time. They do not, therefore, look so much to immediate practical *results as to effect on public opinion, and thus ultimately* insure the triumph of the principles they advocate. *Mr. GARNETT does not concur in all the conclusions of the Committee.*

There is an article in the Union, this morning, denying that Colonel KANE is a Commissioner of the Government to Utah. The article attracts a great deal of attention, and most persons believe that it embodies the views of the Administration about the late news.

The President of the United States has formally asked Congress for authority to contract a loan of Fifteen Millions of dollars for a term not exceeding ten years. The Senate Committee of Finance have the matter under consideration.

Mr. LOGAN entered upon his duties to-day as Chief Justice of the Court of Claims.

XXXVth CONGRESS.....First Session.

SENATE....WASHINGTON, Wednesday, May 19.

Mr. SEWARD presented concurrent resolutions of the Legislature of New-York, in favor of the Light House Board, and of Mr. PHELPS, of Missouri's Pacific Railroad bill.

Mr. DOOLITTLE, of Wisconsin, offered a resolution that the President communicate all the correspondence concerning the arrest of General WILLIAM WALKER, and of the seizure of property belonging to persons under his command by Commodore PAULDING; also for information why certain correspondence on the subject was withdrawn from the files of the Navy Department.

Mr. SEWARD, of New-York, called for the Yeas and Nays on the question of taking up the bill for the improvement of the Harbor of Chicago, with the view of making it the test whether the Senate will take up the several other Harbor Appropriation Bills.

The motion was lost by a vote 24 against 23.

Mr. SEWARD presented a memorial from citizens of New-York, asking a pension for POLLY EDGERTON, widow of a soldier who helped to capture General BURGOYNE.

Mr. BIGLER, of Pennsylvania, presented a memorial from the Board of Underwriters of Philadelphia, asking an appropriation for a Breakwater on Cross Shoal.

An adverse report was made by the Committee of Foreign Affairs, on the memorials of citizens of Maine, asking that the boundary between Maine and New-Brunswick be plainly marked.

A message was received from the President, inclosing a letter from the Secretary of the Navy on the subject of *British Aggression in the Gulf of Mexico*, and referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. PUGH, of Ohio, offered a resolution inquiring if the Mexican Government had revoked the grant for a road across the Isthmus of Tehuantepec, and, if so, that steps be taken to renew it.

The bill for the repeal of the fishery bounties act was taken up, and a discussion ensued on amendments to repeal the duties on salt and sugar.

The discussion was continued by Messrs. CHANDLER, DAVIS, SIMMONS, WILSON, SEBASTIAN, SUMNER and others, and the subject was finally disposed of as follows:

The amendment to the amendment repealing the duty on sugar, was lost—27 against 26.

The amendment itself, repealing the duty on salt was lost—41 against 16.

The bill being reported, Mr. WILSON moved that it do not take effect till the 31st December, 1862. Lost—30 against 26.

The bill was then passed by a final vote of 30 against 23. It takes effect Dec. 31, 1859.

The dissentients were:

Messrs. Allen, Bell, Broderick, Chandler, Clark, Collamer, Crittenden, Dixon, Doolittle, Durkee, Fessenden, Foot, Foster, Hale, Hamlin, Harlan, Houston, King, Seward, Shields, Simmons, Stuart, Sumner, Wade, Wilson.

ABSENTEES—Messrs. Bates, Cameron, Fitch, Green, Kennedy, Reed, Thompson of Ky., Trumbull.

The Homestead bill was taken up, on motion of Mr. POLK, of Missouri.

Some verbal amendments were agreed to, but without action the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WASHINGTON, Wednesday, May 19.

On motion of Mr. HARRIS, of Illinois, the Committee on Elections were discharged from the further consideration of the memorial of Mr. BROOKS, contesting the seat of Mr. DAVIS, of Maryland.

Mr. HARRIS gave notice that he would, to-morrow, call up the Ohio contested case.

On motion of Mr. MARSHALL, of Kentucky, a resolution was adopted calling on the President for all the information in his possession relative to the Sloo-Tehuantepec grant, including the instructions to Minister FOSDICK on the subject, and whether the grant has passed into the hands of other parties under the advice of the President, and whether any mail contract has been made, and if so, to whom and on what security.

Mr. SINGLETON, of Mississippi, from the Committee on Printing, reported a resolution, which was adopted, to print 200,000 copies of the agricultural part of the Agricultural Report of the Patent Office. He said it would cost 50 or 60 cents a volume.

On motion of Mr. PETIT, of Indiana, the further consideration of the Fort Snelling Report was postponed until next Wednesday.

Mr. NICHOLS, of Indiana, from the Committee on Printing, called up the resolutions modifying former orders, so that no extra copies of the volume of the charts of the Pacific Railroad Survey be printed for distribution; that the printing of the volume comprising the narrative of the expedition under Governor STEVENS be suspended until the further order of the House; and that three thousand instead of ten thousand extra copies of the second volume of EMORY'S Mexican Boundary Survey be printed. Mr. NICHOLS said the Committee only proposed to suspend work not commenced nor under contract. The action proposed would save three hundred and sixteen thousand dollars.

The resolutions were adopted by a vote of 115 against 65.

The House then went into Committee of the Whole on the Civil Appropriation bill.

Mr. SHERMAN, of Ohio, moved an amendment, reducing the appropriation for repairs of the President's house, furniture, improvement of grounds, &c., from $12,000 to $4,000. He was opposed to indirectly increasing the salary of the President, while willing to *do so in a direct way.*

Mr. J. GLANCY JONES, of Pennsylvania, remarked Mr. SHERMAN was particularly hostile to the White House, from which he inferred that he never expected to occupy it himself. The gentleman had indulged in a fling at the President only because the President had not invited him to dinner. He begged to assure *the gentleman, in order to ease his conscience, that* the dinner to which he (JONES) was, and to which Mr. SHERMAN was not invited, was not paid for out of the public expenditures. He would never flinch from defending the President, who was one of the purest *men who ever presided over the country. [Laughter.]* That was the answer of the Black Republicans. [Renewed laughter on that side.]

Mr. GROW, of Pennsylvania, said it was a remarkable spectacle for the Chairman of the Ways and *Means' Committee to denounce a member and cast* imputations on his private character, because the latter had, in pursuance of his privileges, moved to reduce this appropriation. It was singular that the Chairman could not produce a better argument than *one which was unbecoming to any member of the* body.

Mr. MAYNARD, of Tennessee, wished to know whether these proceedings were in order?

The Chairman said both gentlemen were out of order.

Mr. SHERMAN, in reply to Mr. JONES, said that the latter's interpretation as to his motives in moving the reduction of the appropriation was entirely unfounded. He did not seek to attack the President's private *character. He spurned the imputation. As to the re*mark concerning the invitation to dinner, it was beneath the dignity of a gentleman. He had acted in *the performance of his constitutional duty*, and cared not for the President or the friend here speaking in *his behalf.*

Mr. JONES said a few nights ago the gentleman from Ohio, during a call of the House, offered a *resolution directing the Sergeant-at-Arms to arrest* him, by name, because he happened to be dining with *the President. The salary of the President began in* the way? WASHINGTON said he would take no salary, but would keep a regular account of his expenses. He rendered an account for $25,000 per annum, and this became the fixed salary. Every dollar *for heating the house, gas light, etc., which* had been added was not for the benefit of the President, but for Members of Congress, and officers of the Government, and the accommodation of the public.

The amendment was not adopted.

The bill was amended somewhat in Committee and reported to the House. Adjourned.

United States Supreme Court.

WASHINGTON, Wednesday, May 19.

No. 4—THOMAS A. SNOW, *et al.* Managers of the Ocean Towboat Company, and Owners of the Steam Towboat *Star, et al. vs.* CHARLES WILL, *et al.* Owners of the ship *Ocean Queen*, and the Trustees, claimants and owners of the steamship *Crescent City*. Appeal from the Circuit Court for the Eastern District of Louisiana. Justice MCLEAN delivered the opinion of the Court, reversing the decree with costs, and remanding the cause for further proceedings.

No. 13—ROBERT TAYLOR'S administrator, *vs.* NATHAN T. CARRYL. Error to the Supreme Court for the Eastern District of Pennsylvania. Justice CAMPBELL delivered the opinion of the Court, affirming the judgment with costs.

No. 70.—John H. Ahl *vs.* Roswell B. Johnson.—Appeal from the Supreme Court of Minnesota. Justice CLIFFORD delivered the opinion of the Court, *reversing* the decree with costs, and remanding the cause, *with directions to enter a decree affirming the de*cree of the District Court in this cause, with costs.

No. 80.—George R. Sampson, et al., from Sampson & Tappan, *vs.* Charles H. Peaslee.—Error to the Circuit Court of the United States for the District of Massachusetts. Justice WAYNE delivered the opinion of the Court, affirming the judgment with costs.

Nos. 86 and 87—JOHN S. WILLIAMS *vs.* ROBERT OLIVER, executors, and ROBERT OLIVER'S executors *vs.* JOHN S. WILLIAMS. Appeal from the Circuit Court of the United States for the District of Maryland. Justice NELSON delivered the opinion of the Court, affirming the decree of the Circuit Court, with costs.

Nos. 92 and 93—JOHN GOODWIN'S administrators *vs.* ROBERT OLIVER'S executors, and ROBERT OLIVER'S executors *vs.* JOHN GOODWIN'S administrators. Appeal from the Circuit Court of the United States for the District of Maryland. Justice NELSON delivered the opinion of the Court, affirming the decree of the Circuit Court, with costs.

No. 94—James Marks *vs.* Michael Dixon *et al.*—Decree affirming the judgment of the Supreme Court, with costs.

No. 97—James Barton *vs.* Robert Forsyth.—In error to the Circuit Court of the United States for the Northern District of Illinois. Chief Justice TANEY delivered the opinion of the Court confirming the judgment of said Circuit Court, with costs.

No. 109—David Moreland *vs.* Jaremiah Page.—Error to the Supreme Court of Iowa. Justice GRIER delivered the opinion of the Court, dismissing the cause for want of jurisdiction.

No. 104—Enos McFaul *vs.* James C. Ramsey.—Error to the District Court of Iowa. Justice GRIER delivered the opinion of the Court, affirming the judgment of the said Court, with costs and interest.

No. 107—Thomas McCargo *vs.* John L. Chapman.—Error to the Circuit Court of the United States for the Southern District of Mississippi. Justice MCLEAN delivered the opinion of the Court, dismissing the cause for want of jurisdiction.

No. 108—Wm. Holcomb *vs.* John McKusick, *et al.*—Error to the Supreme Court of Minnesota. Justice NELSON delivered the opinion of the Court, dismissing the cause for want of jurisdiction.

In re in the matter of Franklin Bowen, *et al.* vs. The Mayor of New-York.—Motion for rule on the Judges of the Circuit Court of the United States for the Southern District of New-York, to show cause why a mandamus should not issue. Justice NELSON delivered the opinion of the Court, that the facts presented are not such as entitles the plaintiff to the rule prayed for, and therefore the motion must be denied.

The Court then adjourned for the time and place appointed by law.

Departure of the Europa.

BOSTON, Thursday, May 20.

The Royal Mail steamship *Europa*, Capt. LEITCH, sailed at noon, with 19 passengers for Liverpool, and 14 for Halifax, and nearly $400,000 in specie.

Among the passengers by the *Europa* are Madame LA GRANGE and two children, Signor ROSCONI, Signor TEDESCHI, and Capt. HASSAN BEY.

Accident on the Elmira, Canandaigua and Niagara Falls Railroad.

ELMIRA, N. Y., Wednesday, May 19.

The New-York Express train on the Elmira Canandaigua and Niagara Falls Railroad, which left Suspension Bridge yesterday morning at 20 minutes to 6 o'clock, ran off the track a half mile west of Penn Yan Station.

The accident was caused by the equalizing bar on the tender breaking, which fell on the track, thereby, throwing the baggage and two passenger cars off the track, stripping the latter of their seats.

The following persons were injured:

Mr. W. E. BIRD, of New-York—badly cut in the face, but no bones broken. He is on his way to New-York to-day.

GEO. WALTERS, brakeman—cut above his eye.

Mrs. HUBD and Mrs. WYMANS, mother of Mrs. HUBD, slightly bruised.

A physician from Illinois—wrist dislocated.

A lady from Addison—slightly cut in the face.

All the injured have returned to their respective homes.

Movements of the Turkish Admiral.

BOSTON, Wednesday, May 19.

The Turkish Admiral and suite visited the Navy-Yard at Portsmouth, N. H., yesterday, where they were received by a salute. They partook of a collation at the house of the commandant, and afterwards dined at Rockingham House, the Mayor presiding. The Turks expressed themselves greatly pleased with the yard, especially with the three-decker *Franklin*, which they examined throughout.

Lieutenant HASSAN EFFENDI leaves here in the *Europa* to-day, to obtain further instruction from the Sultan.

The Admiral remains a few days in Boston, from whence he goes to Niagara Falls and other places of interest in the country.

The Troy Conference.

MIDDLEBURY, Vt., Wednesday, May 19.

The annual session of the Troy Conference commences here to-day. About two hundred and fifty delegates are present.

The Atlanta and Westernport at Charleston

CHARLESTON, Tuesday, May 18.

The screw-steamship *Atlanta*, from New-York and *Westernport*, from Baltimore, both of Cromwell's line, arrived here this morning.

Death of Gen. Persifer F. Smith.

ST. LOUIS, Wednesday, May 19.

The *Republican* has received a dispatch announcing the death of General PERSIFER F. SMITH, the commander of the Utah forces, at the head-quarters at Fort Leavenworth, at 12¾ o'clock on Sunday night.

The officers of the steamer *Dickey*, just arrived at Boonville, report that the remains of General SMITH were to leave Leavenworth for the East on Wednesday. General HARNEY succeeds to the command.

Pennsylvania State Canals.

HARRISBURG, Wednesday, May 19.

The State Canals were formally transferred to the Danbury and Erie Railroad Company to-day. The Governor issued a proclamation announcing the fact.

Capture of Inkpaduta.

PRAIRIE DU CHIEN, Wis., Wednesday, May 19.

The St. Peters *Free Press* announces the capture of INKPADUTA, *whose band committed numerous* murders in the Southern part of Minnesota last Summer.

The Exchange Bank of Murfreesboro', Tenn

LOUISVILLE, Wednesday, May 19.

The bills of the Exchange Bank of Murfreesboro' Tenn., are rejected by the Nashville Banks.

The Montgomery at Savannah.

SAVANNAH, Tuesday, May 18.

*The screw-steamship Montgomery, of Crom*well's line, arrived from New-York at noon to-day.

BURIAL OF HENRY WM. HERBERT.

Funeral Rites Denied Him—Public Sentiment at Newark.

The remains of HENRY WILLIAM HERBERT, the "*Frank Forrester*" of the periodicals, whose suicide we announced Monday, were, yesterday, interred at Mount Pleasant Cemetery, Newark, N. J. Mr. MILES PANSON, the personal friend and neighbor of *the wretched man during the latter part of his life*, came to this City, yesterday morning, and prepared to *convey the body to Newark.* The remains having been placed in a coffin a hearse was procured, and at 3½ o'clock P. M., accompanied by a few friends, including Mr. PANSON and Mr. PHILIP H. ANTHON, who was with HERBERT *in his last moments*, crossed the Jersey City Ferry and proceeded by the turnpike—nine miles—to Newark. As soon as the hearse and carriages crossed the Passaic river and entered Newark (at 5 o'clock) other carriages, containing friends of the deceased, fell into line behind them, and the whole *cortège* proceeded slowly towards "The Cedars," the late residence of Mr. HERBERT, two miles above the centre of the City. *"The Cedars" is the name of a romantic spot im*bedded in foliage, through which here and there *glimpses of a latticed Gothic cottage are visible like* the wicker-work of a basket filled with flowers and *half* buried in verdure. The property—only an acre of ground—was many years ago deeded in trust to the use of Mr. HERBERT, to revert to *his only son after* the death of the father. The cottage is a small one, but is, as its owner was, of eccentric construction. It is partially surrounded with piazzas, *with balus*trades of untrimmed cedar boughs interlaced, among which various clinging *vines creep in and out.* A bay window on one side of the house, looking down upon the *Passaic* river, to which the green lawn slopes, has panels beneath the sashes bearing curious carved heraldic *insignia*; the room within was that in which Mr. HERBERT was accustomed to entertain his friends. Next this is the library in which he immured himself when engaged in writing; a pair of stag's antlers ornamented the top of the piazza in front. The walls of another room were hung with guns and sabres and other weapons, and in another empty goblets and filled decanters were always kept standing in expectation of convivial guests. In every convenient nook of the grounds was a dog-kennel, and each, during the life of Mr. HERBERT, had an occupant. The lower floor of the house was thrown open yesterday; the furniture had all been removed by one Mr. STOUTENBURGH, to whom Mr. HERBERT was largely indebted, and to whom he had given permission to take possession. When the funeral procession arrived the grounds were already quite full of people; the neighbors had assembled in great numbers. The coffin was placed in a small room,—all the rooms are small,—in the centre of the house, a portion of the lid was removed, and all who desired to look for the last time upon the face of the dead were invited to do so.

One by one the spectators pressed forward, looked at the pallid face a moment and passed on. No one, so far as we observed, exhibited more than the ordinary emotion occasioned by the sight of a corpse, with the exception of an old Irish woman, who lived near "The Cedars," and had become familiar with the face of Mr. HERBERT while living. We saw no one shed tears. Most of those present seemed to have come thither for the purpose merely of gratifying their own curiosity. Yet the scene was a solemn one, and no one seemed disposed to speak in that presence slightingly of the dead or lightly of the occasion which brought them together.

The coffin,—a plain mahogany coffin,—although Mr. HERBERT had expressed his desire to be buried in a coffin of oak,—bore a silver plate with the simple inscription,

HENRY WILLIAM HERBERT,
Aged 51 Years.

The countenance of the deceased was not at all changed; his eyes were gently closed, his expression composed. He wore a white shirt with a black neckcloth and standing collar.

After all had taken a final view of him, the Rev. JOHN SHARPENSTEIN, Rector of the Episcopal "House of Prayer" at Newark,—the same clergyman who united Mr. HERBERT to his last wife,—addressed those who were in the room, and said he regretted the circumstances under which he attended there,—in an official capacity, but not to perform an official duty,—but as a friend of Mr. HERBERT'S he was glad to be reckoned among them. All who were present might not be aware that the Church whose minister he was forbade him to perform the funeral service in a case like the present one. This was the case, however, and he was compelled to act in accordance with the law of the Church. He regretted this the more because he was the friend of the unfortunate deceased, whose faults he was sure were all on the surface and whose virtues were more numerous than was generally known.

Mr. HERBERT himself knew that the service of the Church could not be read for him, and did not expect that it would be. All that his friends desired was that those present should follow the remains slowly and silently to the grave and see them slowly and silently interred. He hoped God would have mercy upon the deceased and upon them all.

Some of the friends of Mr. HERBERT were desirous that the ritual should be read by another clergyman—Rev. H. B. SHERMAN, of Christ Church, (Episcopalian,) Belleville—who claimed that the rules of the Church required that only a few sentences of it should be omitted at the funerals of persons who had laid violent hands upon themselves; but Messrs. ANTHON and PANSON, who were the most intimate friends of the deceased, thought the service had better be omitted. Mr. SHACKLEFORD had consulted with Bishop DOANE on the subject, and the latter declared that the Church forbade the service. The consultation on this subject between the friends of the deceased took place, of course, before the body was brought in.

At the close of Mr. SHACKLEFORD'S remarks the coffin was borne through the back door, followed by the spectators and friends. The procession passed through the gate by which the grounds of Mount Pleasant Cemetery, adjoining "The Cedars," is entered,—it was at this gate that HERBERT parted with his wife, and kissed her for the last time, and here, as he avowed in one of his letters, he had intended to die,—and proceeded slowly to the lot of Mr. PANSON, in which HERBERT had expressed a desire to be buried. The body was slowly lowered into the grave, around which, with hats off, the crowd gathered; the friends of the unfortunate man threw green twigs, which they had obtained at "The Cedars," upon the coffin, straw was placed on it to deaden the sound of the descending clods of earth, and then four grave-diggers, with professional rapidity and stolidity, filled up the grave. The crowd quickly dispersed, the carriages rolled away, the hearse and the friends from New-York returned home, and the Cemetery and those who slept there were as quiet as HERBERT, when living, had often known it to be when, as was his wont, he crossed it obliquely on his way from "the Cedars" to the City.

The feelings with regard to Mr. HERBERT among the people of Newark are not so rancorous as one would imagine from the tenor of his letters. He had few friends there and a great many creditors; he spoke freely his mind and thus made many enemies; he had had personal rencontres in Newark; his dissipated habits lost him the respect of all; and the stories concerning his ill-treatment of his wife had not increased his popularity; yet his acquaintances at Newark, looking back upon his career from a standpoint this side of its wretched and abrupt termination, seem to pity more than they condemn him. Many stories of his eccentric conduct are told by good wives in the neighborhood. The hostess of the tavern by the railway relates with unctuous emphasis how he ridiculed, in articles which he wrote for the newspapers, the conduct of a certain tailor and butcher who were judges at a fair at which her daughter contested for an equestrian prize and won it, but the judges awarded her the second prize instead of the first, just because she was only 10 years old. Another kind lady tells of the demand for an apology which HERBERT made to a man whose wife had laughed at his fierce moustache; he went to the store which the husband kept, and when the latter refused to apologize, sprang over the counter, and would, the lady devoutly believed, have injured him very severely but for the timely interference of mutual friends. Others speak wonderingly of his appearance and *outré* dress—of his sporting predilections,—he always had several hounds at his heels,—of his studious application when he was studious,—he positively refused to see a lady who had come at his invitation all the way from New-York to see him, because he was engaged in his study when she arrived; but the romance of his marriage is most eagerly gossiped out to strangers: Last November, as the story goes, he stood talking with a friend in Fifth-avenue, and saw a lady pass, who attracted his attention. The *"Bread or Work" excitement was at this* time at its height; suddenly two cadaverous ruffians rushed by, and *one of them struck the lady in the* face, saying, "What right have you got to wear fine clothes?" *She screamed—HERBERT rushed to the res*cue, demolished the ruffians, accompanied the lady to the *Brevoort House, where she resided, gave her* his card, received her thanks, and learned that her name was *Miss ADELE R. BYNDLOSS, and that she lived* in Rhode Island.

A correspondence was opened, a courtship followed and about three months after (Feb. 16) they were married, only six gentlemen besides the bride's brother and mother being present at the ceremony. The separation which followed, some say, was brought about by the calumny of a third person—a lady—as HERBERT himself asserted, others think that Mrs. HERBERT became disgusted with her husband from other causes: the exact truth will probably never be known. The dog "Vixen,"—a black-and-tan terrier,—of which HERBERT was very fond, and which he mentioned in one of his last letters, is in the possession of Mr. THOMAS KINNEY, of Newark, editor of the *Advertiser*.

Mrs. HERBERT was not present at the funeral. She has but few acquaintances at Newark, and no one could tell us of her whereabouts. It was rumored that she went to an adjoining State to get a divorce; her husband applied to a higher tribunal. The lady, it is said, is only 20 years old. "The Cedars," which has already been unoccupied for about three weeks, is beginning to wear a desolate appearance. Little children who have to pass it after night-fall walk more rapidly as they near it, and break into a run before they get by; old women in the neighborhood vow they would not live in it for several mundane planets; already it is pointed at as the haunted house of Newark.

Mr. Herbert's Library—Note from Mr. Picton.

To the Editor of the New-York Times:

DEAR SIR: Having observed in several journals accounts that the late Mr. HERBERT has secured his principal creditors by a lien upon his library, I am compelled to announce the somewhat disagreeable fact that the library at the Cedars is the property of my wife. The fact will be patent to any one from an examination of the books, as my name or armorial bearings appears in a majority of the volumes. Some time ago Mr. HERBERT called upon me and informed me that he had mortgaged my library to a gentleman of Newark, and that to reobtain the property I could take proceedings at replevin. As I presume no honorable man will lend himself to the perpetration of an outrage, I request publicity to be given this notice in order to prevent the sale or transfer of volumes which were merely loaned to a friend, who for fifteen years has done little more than to abuse my better nature.

I am aware that it is disagreeable to awaken suspicions as to the integrity of a person deceased, still, as I cannot afford to sacrifice that which may be deemed my capital in trade, I beg to caution any person against the purchase of the volumes I so incautiously trusted to a friend, in order that he might avail himself of those advantages which their deprivation will deny unto me. Respectfully yours,

THOMAS PICTON.

WEDNESDAY, May 19, 1858.

More Last Works of Mr. Herbert.

To the Editor of the New-York Times:

NEW-YORK, Wednesday, May 19, 1858.

Although unwilling to use the deeply regretted occasion of H. W. HERBERT'S death to intrude upon you that which would never of a business advertisement, I would ask you to correct the error which has appeared in your paper of this date, in regard to the "last work" of that gifted man, by inserting the following statement:

On Saturday morning, May 15, Mr. HERBERT delivered to me the last chapters of a manuscript work entitled, "*Hints to Horse-keepers*," accompanied by his *last work as an artist*, viz: a portrait of a Clydesdale stallion, exquisitely drawn by himself on wood, as frontispiece to the work.

At my suggestion he commenced to write an appendix on the care of the Harness and Carriage, leaving my office about 10 A. M., with the promise to complete it by Monday morning.

Respectfully, A. C. MOORE.

THE RIGHT OF SEARCH.

Visitation of American Vessels by British Cruisers.

History of Negotiations Between the British and American Governments on the Subject.

The recent proceedings of British cruisers upon our coast, in arresting and examining vessels carrying the American flag, for the purpose of determining by their papers their nationality, has drawn public attention afresh to the position hitherto assumed by the two Governments upon this subject. It is scarcely necessary to say that the right of search now in question is entirely different from the right of search which led to the War of 1812, and that the two must not be confounded in any discussion or consideration of the subject. The former was the right, asserted and exercised by Great Britain, of boarding American vessels, mustering their crews and taking away any British-born subjects who might be found among them. It was mainly in resistance to this pretension,—which was founded upon the doctrine that no subject of Great Britain could ultimate himself or free himself from the duties of that character,—that the War of 1812 was waged and although nothing was said of this right in the Treaty of Peace, it has never since that time been practically asserted or exercised towards any American vessel.

The right of search now in controversy is merely the right of visiting a ship and examining her papers, to determine her right to the flag she may carry at her mastheed:—and it grew out of the abolition of the Slave-trade. The United States, it will be remembered, was the first power of Christendom to provide for the extinction of this traffic. Subsequently, the movement received the impulse of British philanthropy. The cry of abolition became the most popular with which the English politician could enter upon a Parliamentary canvass. As the cause of constitutional freedom darkened in Europe, the entire energy of British policy was apparently directed to the extinguishment of the negro traffic; and her diplomacy was confined to securing treaties with friendly governments tributary to this benevolent object. The earliest advance on the subject made to the Government of the United States occurred during the second term of President MONROE. Mr. RUSH was Minister at the Court of St. James; Mr. CANNING, the accomplished scholar, wit and orator, the English Foreign Secretary. The treaty framed by these able negotiators established a prohibitory maritime police,

stood by the right to join in a treaty which should make the right mutual. A similar invitation Mr. VAN BUREN had already promptly rejected; and as promptly disallowed an agreement to that effect which the officers of the American and English squadrons on the African stations had entered into for their own convenience. Upon the displacement of the Whigs in 1841, and the accession of Lord ABERDEEN to the Foreign Office, that statesman at once corroborated the position of Lord PALMERSTON, by a communication to Mr. STEVENSON, dated October 12. His language, referring to the Quintuple Treaty, which he found ready for signature in the files of the office, was:

"The present happy concurrence of the States of Christendom in this great object, not merely justifies, but renders indispensable the right now claimed and exercised."

To wit, the right to *visit* and examine the papers of American vessels. For while Scottish caution dictated to the new Minister that it would never do to insist upon the pretensions of the audacious PALMERSTON, his Scottish shrewdness indicated an indirect path to the same result. We disavow, he substantially said, all right to search a vessel in time of peace; the law of nations is unmistakable upon that point. We have no right to set foot upon an American vessel as such; but we have a right to deny that she is such, or, rather, we are not to recognize her as such until we have examined her papers. This examination we term a VISIT; if pushed further, it becomes a SEARCH, from the exercise of which we are restrained by every law and every consideration. Adopting this pettifogging, which left everything at the discretion of irresponsible swaggerers in charge of her Majesty's shine-of-war, Lord ABERDEEN urged forward the Treaty. It was signed by the plenipotentiaries of the five Great Powers on the 20th December, 1841. It provided for a joint surveillance over the slave-trade. A wide zone of the Atlantic, extending from Patagonia to the Carolinas, was declared to be "suspicious ground," upon the whole of which, embracing the American as well as the African shores, a vigilant police was to be maintained. A mutual right of search was established; in short, its conditions were so adroitly arranged as to insure to the Power possessing the most powerful marine a substantial sovereignty and custody of the great Atlantic highway, over which the entire shipping of the world is obliged to pass. England, it is needless to say, was that leading Power. As an operative instrument, the treaty evidently depended upon the moral effect it might produce upon the American Government; for neither Russia, Austria nor Prussia was engaged in the Slave-trade, or was required to aid actively in its suppression. The adhesion of France was, however, of practical importance, and, unfortunately, it was not in the power of M. GUIZOT, who had signed the treaty, to procure its ratification. Indeed, one of the first acts of the Chambers, upon meeting, in December, 1841, was to pass a resolution, almost unanimously, condemning the compact. The resolve, moved by M. LEFEVRE, was as follows:

"We have also the confidence, that, in granting its concurrence to the suppression of a criminal traffic, your Government will know how to preserve from every attack the interest of our commerce, and the independence of our flag."

On the heels of this unanimous vote, came a phamphlet, able and vigorous, and written by the present Secretary of State, then our Envoy at Paris. It was entitled "An Examination of the Question now in discussion between the American and British Governments concerning the Right of Search, by an American, Paris, January 2, 1842." The plans and purposes of the British Government were minutely dissected in this capital State paper; and its purely philanthropic aims discredited. Almost at the same moment the Message of President TYLER, with the emphatic assertion of the indisposition of this Government to submit to the new maritime law, reached France. The Treaty was at once abandoned. A letter of Gen. CASS, of February 13, 1842, to M. GUIZOT, was not needed to seal its doom. As a formal matter it had to be submitted to the Legislative Assembly; but, both in the Chamber of Peers and the Chamber of Deputies, it was found to be hopelessly unpopular.

On December 16, 1841, Mr. EDWARD EVERETT replaced Mr. STEVENSON, at London. He found a reply of the latter to the letter of Lord ABERDEEN, of October 13, without answer. The answer came presently after. Not only did it disclaim all responsibility for the extreme opinions of Lord PALMERSTON, but even evinced a decided modification of tone from that of his lordship's former letter. It confined the right even of visit, to vessels of extremely suspicious character, in the suspected vicinage itself; and intimated that since February, 1841, the African fleet had been instructed not to interfere with vessels bearing the American flag, although *known to be engaged* in the Slave-trade. Mr. EVERETT was also enabled to procure ample indemnity for two or three vessels which the British cruisers had overhauled and detained. Such was the state of the question, when Lord ASHBURTON arrived in Washington, in April, 1842, empowered to adjust all outstanding issues between the two Governments. The fruit of his visit was the Treaty of August 9, by which the Northeastern Boundary was adjusted, the extradition of criminals arranged, and provision made for terminating the Slave-trade. No mention, not a word, was inserted in regard to the "right of search." It was simply agreed that the United States should maintain a squadron on the African coast for the suppression of the traffic, and should join in expostulating, if need were, with the Spanish and Brazilian Governments for permitting the importation of slaves. To those who had felt warmly upon the subject of British pretensions, this omission seemed unpardonable. It is a chronic habit of General CASS to feel warmly upon all subjects where England is a party. Even after officially announcing his intention to relinquish his mission, and return to the United States, he could not, upon receiving a copy of the Treaty, refrain from recording, in the form of a dispatch, his mortification at the absence of a distinct abandonment of the right of search; and protesting against a final adjustment, which left the most important topic in dispute unadjusted. "Why," passing over this vital and momentous topic, asked the General, "have you inserted an obligation to do that for the suppression of the Slave-trade which you have been actually doing for years, and which your own laws oblige you to do? Why have you committed yourself to entangling engagements with European powers, thereby entering into a diplomatic system from which it has been the traditional policy of our Government to stand aloof?" An angry correspondence, angry and denunciatory at least on Mr. WEBSTER'S part, was the progeny of this dispatch, which only ended after several conflicts on the floor of the Senate, wherein the dispassionate generally deemed that the great New-Englander fell short of a fair and final self-justification.

Experience has shown that it would have been wise to have made the obnoxious right, or claim to right, a subject of definite convention at the time. While the traffic between Africa and Brazil has declined, and indeed, almost wholly ceased to exist, it has acquired new vitality between Africa and Cuba. The cost of labor in that Island, has proved a strong temptation to the cupidity of adventurers. Cargoes of slaves have been landed with increasing frequency. The Spanish Government, and its officers in Cuba, are more than suspected of encouraging the trade. Foreigners resort to American ports, procure vessels to be built for the service, or buy up old ones; carry them beyond the United States before placing upon them the apparatus betraying their business and destination; and we presently hear of an American vessel having landed its load of negroes in some of the coves of the island. Companies are formed among the planters themselves, to obtain and equip these vessels. Ordinarily fast sailers, they elude the vigilance and pursuit of the coast-guard, and only discharge their living freight when accomplices on shore are prepared to expedite and conceal the transaction. It is said that one such cargo has been discharged upon American soil within the last twelve months. Under these circumstances, the Government of England has held it advisable not only to transfer the theatre of its inspections to the neighborhood of the two Spanish islands, thus approaching and occupying ground perpetually crossed by American merchantmen, but there to employ excessive vigilance in its watch. The consequence is constant interference with our mercantile marine. Vessels passing to or from the Gulf of Mexico, and actually within sight of our shore, have been brought to by a cannon-shot visited, their officers rudely treated, and only sent on their way after serious detention. These outrages have recurred with augmented frequency since 1852. It seems as if, relinquishing the practical enforcement of her claim to the right of search upon the African coast, the British Government, to render it insufferably offensive to our people, had resolved to exercise it in our own waters, and indiscriminately. Case after case has recently occurred compelling public attention to the subject, while attention is also compelled to the fact that, while thus impertinently busy in suppressing the Cuban trade in African slaves, Great Britain is largely interested in the purchase and sale of Chinese and Hindostanee slaves, or Coolies, and in abetting a new form of negro slave-trade upon which the Government of France has lately embarked. Viewing these suspicious indications of insincerity, along with the known anxiety of England to baffle any American movement for the annexation of Cuba, and the vexatious behavior of her cruisers, the American public has made up its mind to be vehemently dissatisfied with the existing state of things—and to take some step for settling effectively this controverted right of search. Opportunely, the old and able opponent of the right happens to fill the State Department; and again opportunely, the British Minister, Lord NAPIER, has found it expedient to remind this Government, and not without a dash of officiousness, of its neglected duties in regard to the Slave-traffic. In his dispatch of April 10, ult., Gen. CASS replies to these instances. He reviews the history of the Search question from 1841 downwards; admits that from 1842 until quite recently there had been a virtual suspension of the exercise of the right; but dwells with much energy upon the late outrages, and trusts

"That such instructions will be issued by your Government to the British naval officers employed upon this service as will prevent all interference with American merchant vessels, and thus prevent the recurrence of those causes of complaint, which, during almost twenty years, have been often the subject of remonstrance on the part of this Government."

The reply of Lord NAPIER to this dispatch is either not written or not yet published. Possibly, in the retirement of Lord PALMERSTON more moderate counsels will prevail, as they did in 1841, and the right be practically abandoned. Not, however, without an elaborate discussion, from which Secretary CASS is obviously not inclined to shrink. It will be no fault of the veteran, indeed, if his administration be not distinguished by a conclusive adjustment of this troublesome question; a question which, in different shapes, has haunted and vexed our diplomacy for half a century. It will be a specific glory to lay a ghost which defied the exorcism of a CLAY and a WEBSTER. It will be a triumphant crown to the long controversy of the General with the latter, thus to reduce his arguments to practice.

In anticipation of this result, let us lay out for the use of the reader the weapons that will be called into play in the course of this diplomatic tilt.

On the side of Great Britain, it will be alleged that the African Slave-trade has increased, is increasing, and ought to be extinguished. It can only be done by the vigilance of the Anti-Slave trade cruisers, in noting narrowly the character of all vessels approaching the slave-coast of Africa, or entering the keys of Cuba. The American flag is abused for the protection of the traffic, and therefore American vessels are obnoxious to peculiarly severe scrutiny. If, then, the right to visit, which you persist in regarding as equivalent to the right to search, be denied us, how are we to ascertain whether the flag is abused or not? Will not the guilty at once resort to that shelter as an effectual screen against detection? May not English cruisers be often deterred by this practice from overhauling their own national vessels so disguised? How, in fact, without this aid can the Slave-trade treaties be executed? Are you quite sure that the policy of your Government is not prompted by a secret desire to defeat these treaties, and permit a reopening of the Slave-trade on your own shores?

The American answer is, that if the Slave-trade treaties cannot be exercised without this practice, so much the worse for the treaties. While we join in deploring the existence of that traffic, and the injury it inflicts upon the African race, we cannot forget what is due to the other and more civilized races of mankind, nor sacrifice the freedom of American soil to secure freedom for that of Africa. For, by universal consent of maritime authorities, the deck over which floats the American flag is, upon the high seas, American soil. The sanctity of this soil we cannot permit to be violated upon any pretence whatever. True, it may subserve the ends of human justice to allow the slave-trader to be pursued even into the shadow of any particular flag. It is equally true that it would in myriads of cases subserve the same ends, if the fugitive criminal upon land, escaping from one State, could be pursued and arrested by the officers of justice upon the soil of another. But no power on earth concedes this right to another. So jealous is each in this regard, that even between the States of this confederacy, the warrant of one is not permitted to run upon the soil of its neighbors. We claim the same immunity for the territory which the American flag marks as ours upon the high seas, as we claim for the soil of the Union. Slave-trade is piracy; but we should never permit British arms to pursue and capture pirates upon our shores, however much any specific case of the sort might promote the interests of justice, and we cannot permit a corresponding act of invasion to be perpetrated at sea. We claim that our flag exempts us from search; and appeal to the entire code of maritime law for authority. So careful have we ourselves been in the observance of the principle towards others, that when our war-vessels have been sent to cruise among the Antilles in pursuit of pirates, they have been emphatically instructed to overhaul no vessel which did not wear our bunting. Nor do we admit that nothing less than a visit and inspection can enable your cruisers to distinguish the nationality of a vessel, or discriminate its character. The practiced eye of the mariner seldom fails to judge the origin of a ship from its hull and rig; and its innocence or guilt from its behavior in the presence of the examining cruiser. The instances where this description of scrutiny is inadequate are rare; and we hold better that such rare cases should occur, than that the maritime rights of all the nations of the world, possessing less potent navies than that of Great Britain, should be trampled under foot. If, in short, eighteen years ago, we stood ready to oppose even with arms, the exercise of this unfair principle, when it was applied to our insignificant trade upon the coast of Africa, how much more strenuously shall we oppose it, when brought to our very doors, and exercised upon the main body of our commerce And, if we are to talk of suspicions, have we not much greater reason to believe, in the presence of British traffic in Coolies, and British indorsement of negro apprenticeship, that a desire to defeat imaginary designs of our people upon Cuba, and not love of the African, is at the bottom of this officious and troublesome zeal? Or, are you prepared to carry out the principle, by permitting American cruisers to line the coast of China, and stop and search vessels bearing the Union Jack for in-going opium, which the laws of China and your treaties with her forbid; or for out-going Coolies, whose wrongs cry to heaven as loudly as those of the African?

Why not, then, asks the Briton, by way of replication, why not enter into a treaty rendering the right mutual, as other nations of Christendom have been ready to do?

Why not, inquires the American, in his rejoinder, establish a reciprocal right to pursue and capture fugitives, criminals or slaves, upon the soil of either Government? If you see any objection to permitting us to seize the run-away Sambo or Jack Sheppard in Canada, in exchange for an equivalent privilege on American soil, that objection applies to the right you desire to exercise upon our shipping. But above and beyond that, we have no intention of departing from the established policy of our Government, which forbids the formation of such pacts with European powers. The Slave-trade clause in the Ashburton Treaty was a departure from that policy; and we are disposed to let it remain exceptional. Equally anomalous was the complicity of this Government, under Mr. WEBSTER'S auspices, with the triple intervention in Haytian affairs; but as we are not likely to repeat that error, admitting the right of European States to join us in adjusting cis-Atlantic questions, so we shall carefully avoid any repetition of the other. And, after all, would not the reciprocity established by such a treaty be purely imaginary? Does any one believe that a single English merchantman would be searched by an American cruiser, where a hundred would be overhauled, delayed, and ill-treated by the British?

Such are the arguments. The reader can balance them at his leisure.

THE SOUTHERN COMMERCIAL CONVENTION.

The Nicaragua Resolutions—The Montgomery Press and the Convention Proceedings, &c.

From Our Own Reporter.

MONTGOMERY, Ala., Friday, May 14, 1858.

The Southern Commercial Convention closed its session to-day, and I venture to assert that never in the history of Southern Conventions was there witnessed such an exhibition of low, contemptible demagogueism and political cant. These assemblages seem to be degenerating, both in the character of their aims and purposes, as they move southward. From being commercial conventions, they have become political conventions, prostituted to the base purposes of promoting the ambitious aims of some political demagogue of the place in which they are held. As I anticipated at the outset, the discussion of the Slave-trade question was continued to the very close of the session of this Convention, terminating in an order to lay the subject on the table and print the reports submitted by Mr. SPRATT, of South Carolina, and Mr. YANCEY, of this city. The former of these reports proposed a revival of the Slave-trade, the latter a mere removal of the existing prohibitory laws upon that subject. The further consideration of the whole matter was reserved for the next Convention, to be held at Vicksburg, Mississippi, in May next. So that nothing has been done, save the delivery of windy speeches, without point and without aim. The whole thing was the most ridiculous farce I have ever seen played out.

How men of sense so far permit themselves to be duped as to be induced, year after year, to lend their sanction to a proceeding which has not the merit or dignity of a tangible aim or purpose, is a matter of surprise to me. I should have supposed, that the fruitless result of the several conventions held hitherto, would have admonished them of the utter futility of their efforts to remedy so-called evils. But no; it would seem as though they regard the denunciations hurled forth against the North and the General Government, which they hold to be its agent, as an ample equivalent for the trouble and expense of attending these conventions. All that is attractive to them must necessarily lie in these features, for o-such are they mainly constituted.

The only speech delivered on the African Slave-trade question to-day, was one by Mr. SPRATT, the Chairman of the Committee that presented the report. The balance of the day was taken up in the discussion of mere local matters of no importance. The resolutions to which I referred in my last letter, relating to the Americanization of Mexico and Central America, were briefly considered and afterwards adopted. They contained severe denunciations of PAULDING for his arrest of General WALKER, declaring his course to be "illegal and disgraceful;" and asserting a purpose to make a similar act in future a cause of disunion and physical resistance. The Hon. PERCY WALKER, of Mobile, who offered the resolutions, advocated them briefly, and denounced Commodore PAULDING as a "disgraced man." Gen. WALKER was present during the decision, and seemed much pleased at the adoption of the resolutions. This expression of a purpose to resist any similar aggression on the part of the United States authorities, is indicative of an intention on the part of WALKER to resume operations, doubtless at no distant day, either against Nicaragua or Mexico. Such, at least, seems to be the prevailing impression here, and the action of the Convention to-day foreshadows clearly such a purpose. The vote upon the adoption of these resolutions was taken by States, and every State save South Carolina voted unanimously in the affirmative. The South Carolina delegation was almost fairly divided upon the question.

A series of resolutions introduced by Judge JONES of Georgia, recommending the Governors of each of the Southern States to call a Convention and appoint thereto a delegation from each State equal to its representation in Congress, with a view to devise some means to remedy the grievances of the South, and in case of a failure to determine such means, then to dissolve the Union, were laid upon the table. You will therefore see, that when the test is applied, these hot-headed Southerners do not come up to the mark.

The scenes at the close of the Convention were really amusing. It seems that a sum of money, amounting, I believe, to about $500, was raised by contributions on the part of the delegates, to defray the expense of printing the proceedings of the Convention. Its disposal was left with the Committee on Business, who, as I understand, were to make arrangements for publishing the proceedings. After defraying the expenses of printing, &c., a small surplus remained, and a controversy arose as to how it would be disposed of. Some were in favor of remitting it to the Mayor of Vicksburg to help to defray the expenses of the next Convention to be held there, and some for appropriating it for charitable purposes within the city of Montgomery. It was finally intrusted to the Secretary for distribution amongst the local papers, in consideration of the additional expense which they incurred in the publication of the proceedings. Two papers of the city, it appears, brought on a reporter named LOAR, from Washington, and in view of the acquisition of what is considered here an extended report of the proceedings of the Convention, these papers contended through an advocate named BETHEA, whom they had on the floor, that the Convention should bear the expense which they had incurred by the employment of this reporter. BETHEA fought hard to have the money thus appropriated, and ultimately succeeded. Fancy a Press begging a Convention temporarily assembled here, to bear the expense of a reporter employed by the Press itself! Nor was that all. The publication of the proceedings for which the money was raised, contemplated the publication of the debates also; and the Committee who had the matter in charge took the estimates of the several newspaper proprietors for executing the printing. With two of them the idea was that the publication debates were to be comprehended in the contract, and their estimates accordingly; but another more shrewd than his competitors sent in a lower bid, with an intention, whatever might be the understanding of the Committee, to publish only the minutes. He knew it was a matter in reference to which there was no direct interest, and over which no supervision would be exercised, inasmuch, as there was no individual to whom the management of the affair would be committed. The idea of the cunning *Advertiser* man was, that the body would be dispersed to-morrow, and no one would hold him to account in case of a failure to comply with the terms of the arrangement. He was awarded an amount sufficient to defray the expense of publishing the debates, but it turns out, as I am informed, that he proposes to publish only the bare minutes, which in New-York would not cost more than $30; but for which I understand, he receives $200. The humbug will only be revealed when the pamphlet is out, and then there will be no remedy. The *Advertiser* man will have the money in his pocket, and no one of the several hundred delegates who contributed towards the enterprise will trouble himself about the matter. The indignation on the part of the defeated applicants of the rival newspapers was bitter, and warm denunciations were proclaimed against the perpetration of this low trick.

I refer to these facts to show to what base, contemptible purposes these Conventions are prostituted, and the uses to which they are brought in other collateral connections are no less disgusting and degrading. They furnish jobs for unprincipled prowling newspaper proprietors, and occasions for political demagogues to make local capital. Such, in truth, seems to be the uses to which they are prostituted.

The city is quite dull to-night, almost all the delegates having left. I, too, shall leave to-morrow morning, and rest assured I will carry with me no agreeable recollection of the associations here. The scene was loathsome to me from the beginning.

The Texas Mormons, who were settled in Bandera County, have have broken up, in consequence of Indian forays and the grasshopper plague, but propose to found another settlement in a more eligible part of the State. They are headed by "Father WARREN," who denies that the Mormons in Texas have any sympathy with those in Salt Lake, and declares that they abhor BRIGHAM.

[illegible] Correspondence of John Randolph, of Roanoke.

The Lecture Session of the Historical Society was continued Tuesday evening by the announcement that Hon. GULIAN C. VERPLANCK would read a paper entitled "Reminiscences of JOHN RANDOLPH, of Roanoke." Prominent among those present were Mayor TIEMANN, Judges DAVIES and ROOSEVELT, and AUGUSTUS SCHELL. After the minutes of the previous meeting had been read and approved, and several new members had been received and others proposed, the President, Hon. LOUIS RENDIG, said he had received a communication from WASHINGTON IRVING which he thought would be heard with pleasure. The communication was read by the Secretary, and was in effect that he had a portrait of JOHN RANDOLPH, a copy from the famous portrait painted by JOHN WESLEY JARVIS, which was considered a very good likeness, and which he desired to present to the Society. The communication was received with applause, and a vote of thanks returned to the donor. The attention of the audience was then called to the portrait, which was on the wall, in the rear of the President.

A report was then read from the Executive Committee favoring the issue of $1,000 worth of scrip in alues of $25 each; to be disposed of in such manner, as to aid the Society in the publication, yearly, of such papers or documents as might be deemed useful. The report was referred back to the Committee with power.

The President then introduced Mr. VERPLANCK, who, on rising, said he did not know whether to apologise to or complain of the position in which he had been placed by the Society, before the public The paper he was about to read was hardly a paper of the kind that had been promised. He had been requested by some of his friends, who knew that he had been familiar with JOHN RANDOLPH, to give some reminiscences of him. He had done so, for their pleasure, and after that, he had been requested by the Century Club, to prepare what he had recited, to be read before them. He had done so; and his doing so, came about in this way: Mr. THACKERAY, in his "Virginians," had brought to his mind an anecdote which he had heard JOHN RANDOLPH relate, and which was similar to one he would relate. Its relation before the Century Club had caused some of his friends to desire that he should repeat it before the Historical Society. He had declined to do so until learning that a portrait was to be presented by his old and valued friend, Mr. IRVING—whom it was an honor to any man to be able to call his friend—of JOHN RANDOLPH, a man full of invective to the world generally, but who had always treated him with courtesy and kindness—perhaps because he had never courted him, and because he contradicted him very often; and that the picture was from his friend, JOHN WESLEY JARVIS. These considerations had induced him to waive his objections, and to read a paper which he would preface by saying it was partly imagination and partly a relation of facts—something between Boswell biography and dramatic historical sayings—and he hoped that as it was, it would not be deemed too fanciful to be worthy of credit, nor too dull to be interesting. In drawing up his paper, he had chosen to put it in the form of a dialogue, between himself and a friend of his who was great in Wall-street; who was addressed there as Mr. President, but who, before the Society, he would call Mr. Secretary. The title of his paper he would call: "THACKERAY and his Virginians, JOHN RANDOLPH and the Republican Tory of 1776."

Mr. SECRETARY met him one evening in the reading-room of the Century Club, and asked him if had read in the last *Harper's Monthly*, the new chapter of THACKERAY'S *Virginians*. He replied that he had not until that moment, when he had just run his eye over it. It then struck him whether THACKERAY had brought in a character and incidents which he might have heard of during his visit to Virginia. It was an anecdote which he had heard related by JOHN RANDOLPH of a great-uncle of his, who was a Scotchman, and who had afterwards become a Virginia planter.

Mr. Secretary said: "What! was JOHN RANDOLPH of Scotch descent? Tell me about him."

"Well," said Mr. VERPLANCK, "if I am to tell you about him, you must have it in the same rambling style in which Mr. RANDOLPH gave it. Although Mr. RANDOLPH rambled, there was connection and coherency in his ramblings. In Mr. BENTON'S reports of his speeches he appeared much more methodical than he really was, but in the condensed form necessary in the reports, his speeches lost much of their brilliancy. In his common conversation he spoke very much as he did in his public speeches. In fact, the resemblance of his public speeches to his common conversation was one of their chief charms. He was fond of quoting from the best Latin and English authors, giving them force and freshness by his applications. He had a habit of trying his sharp sayings in private conversation, for the purpose of studying their effect, before using them in his public speeches. His memory was stored with elegant extracts from the best Latin and English writers.

To a question from "Mr. Secretary" as to whether Mr. RANDOLPH was master of many languages, Mr. VERPLANCK answered, in his paper, that he was fond of quoting SHAKESPEARE and COWPER, and occasionally from WALTER SCOTT. He was particularly fond of "KNOX'S Elegant Extracts," a copy of which he used to purchase at the commencement of every session of Congress, and at the close of each session he used to present it to some friend—usually one of the fair sex. He had heard him speak in high praise of BYRON, but never heard him quote from him. In Latin, his favorites were those he had studied at school. He would quote HORACE and OVID'S Metamorphoses. He sometimes read *Blackstone*, but said that was all the law with which he was at all familiar. He had read DON QUIXOTE; and would sometimes quote trite sayings in French; although he never spoke highly of French literature, or French people, with the exception of MOLIERE, whom he liked for his brilliancy and humor. In mathematics he was probably not exceedingly well read; and when asked in relation to his scholastic attainments, his answer was: "I am an ignorant man." Nevertheless, Mr. RANDOLPH was wonderfully accurate in his knowledge of English and American history—particularly in how the vote stood on important questions in Parliament or in Congress. Mr. HARDY, in his *Recollections of Randolph*, has given many specimens of his memory in that way. In other particulars he was equally peculiar. He once surprised HARDY, who was an Irishman, by his correction of a map of Ireland, in which a small town was situated on the wrong side of the river, although at the time he had not been in Europe. At a party, at which Mr. VERPLANCK was present,—at the table of the Hon. LEWIS MCCLEAN,—the conversation turned upon a speech of the Hon. TRISTRAM BURGESS, of Rhode Island, and Mr. VERPLANCK remarked that TRISTRAM was a strange name for an old New-Englander. He presumed he was named after Tristram Shandy, the hero of a novel that became popular about the time of his birth. Other members of the party as Mr. VERPLANCK must be mistaken, because Tristram Shandy did not appear until long after that time. Mr. RANDOLPH corrected them by stating that it appeared first in nine small volumes—the first in 1760, and it was completed in 1767. Coming to the principal anecdote of the paper, Mr. VERPLANCK said he called upon Mr. RANDOLPH, who invited him to partake of a glass of wine, which he declined. He then offered him some whisky, which, he said, was good old Monongahala, but not like the Glenlivet, which his great uncle, a Tory, used to have sent to him from his native Scotland." At which remark Mr. V. said, "What! an uncle of yours a Scotchman and a Tory?" "Well," said Mr. RANDOLPH, "if you'll listen I'll tell you about it." He then related that at a given time a young Scotch gentleman appeared in Virginia. He was qualified as a surveyor, and was able to teach school. He was industrious and succeeded. He soon married a Virginian lady of wealth, as many good-looking young Scotchmen were in the habit of doing, and by industry and economy he acquired a large fortune. He was economical, but kept a good table; he also kept a sensible and moral clergyman of the Church of England, which was more than could be said of all the clergymen of that day—and, besides, he was one who could play a game of whist reasonably well. His great uncle was noted for his opposition to universal suffrage, and for his tory principles generally. When the quarrel with the mother country was first talked of, he took very little part in it—if at all, it was as a Tory. But when the Revolution began—when Virginia declared herself an independent State, he suddenly came out a red-hot Republican. He fitted out a troop of horse for the fight, and supported them himself. This astonished his clergyman, and he remonstrated with him, saying that the King was a very good man. His uncle replied that he believed he was, but that he was not his king. He was still an Episcopalian, and recognized the Bishop of London as his bishop; but when the king was spoken of, said he, "I remember Culloden." It appeared that the old man had been out with the Forty-five, and had seen his countrymen cut down by the steady fire of the English musketry, and now "he had lived to see Yorktown avenge Culloden." With this declaration of the spirit of Mr. RANDOLPH'S great uncle, the anecdote concluded, and after some additional reminiscences, Mr. VERPLANCK resumed his seat.

On motion of Mr. BANCROFT, the thanks of the Society were tendered to Mr. VERPLANCK, and the meeting separated.

Tuckerman, the Mail Robber, in the State Prison.

The New-Haven *Register* announces the arrival of TUCKERMAN at the State Institution in Wethersfield, safe and sound. He takes the affair coolly and philosophically, and is evidently under the sanguine hope or belief that he will not be a boarder there for the full term of his sentence—21 years—as he requested that his clothes might be laid down in camphor, so as to be sweet and whole when he should emerge from prison again. He is now 37 years old, and will be tolerably well advanced when his term shall have been completed. He also requested the Warden to have a carpet put upon his sleeping cell, and seemed somewhat surprised when he was informed that Connecticut did not afford such a luxury to criminals.

The Hartford *Times* adds:

TUCKERMAN, we learn, during his two and a half months in the jail at New-Haven, gained twenty-two pounds of flesh. This may be regarded as an evidence that the corroding action of a smitten conscience has not been very busily at work upon him. He is 37 years old, and he will therefore be getting into the "sere and yellow leaf" (56) when he comes out of prison, if he lives to serve out his term. We shall probably see in a few years petitions handed into the Legislature for his release. There are always benevolent people about who keep an eye to these things.

At Auburn, Ohio, on the 15th, Mr. Tyrus Canfield was killed with a pistol-shot by one of the inmates of a house of ill-fame, which he and others attempted to suppress.

The War in Nicaragua.

VIDAURRI'S LAST VICTORY—HIS MOVEMENT AT MONTERREY—CORRESPONDENCE BETWEEN GENS. HENNINGSEN AND LOCKRIDGE—INTERESTING CORRESPONDENCE BETWEEN GEN. HENNINGSEN AND GEN. VIDAURRI.

From the New-Orleans Delta, May 12.

We have just received a private note from Monterey, which informs us that Gen. HENNINGSEN had arrived in that city, and was received with distinguished honors by Governor VIDAURRI and General GALLEGOS, who immediately called upon him to confer on the objects of his mission, and afterwards addressed him a complimentary letter. The same authority gives us some information concerning the defeat of MIRAMON. That officer, after his overthrow by the Constitutionalists, succeeded in reaching San Luis Potosi with 10 pieces of artillery, and about 1,500 men, but his forces were so much disorganized that he could not engage in active operations. MIRAMON'S loss was 200 killed, and 250 wounded, and two standards, which were brought into Monterey on the 31st. The battle took place on the 17th, five leagues from San Luis. The Constitutional forces consisted entirely of cavalry.

We have before us copies of the *Boletin Oficial*, of Monterey, of the 17th and 19th ult. We ascertain from these papers that there has been some sort of a disagreement between Col. LOCKRIDGE and Gen. HENNINGSEN. Both these officers tendered their services to VIDAURRI, but LOCKRIDGE'S offer was coupled with such conditions, and based on such intentions, that it was rejected.

The *Boletin* takes occasion to state, apparently by authority, that the movement in Northern Mexico has no reference whatever to the establishment of a Republic in the Sierra Madre, but is directed solely against the clerical and reactionary party.

It appears that LOCKRIDGE wrote last month from Brownsville to VIDAURRI, offering him men and arms in aid of the Liberal cause, on conditions that, on the termination of the war, a Mexican port should be placed at his disposal, to be used as point d'appui for operating against Cuba. He acknowledged his connection with the Nicaragua expeditions; but said he was deceived, and insisted on his plan of operations against Cuba, as a condition of rendering his aid to the Liberal party.

VIDAURRI replied courteously, refusing to admit foreign troops, on the ground that he had no need for them, and that it would not be proper to permit them to interfere in the affairs in Mexico, saying that men without a flag would inspire distrust, whatever might be their antecedents.

LOCKRIDGE replied, as has been before stated, denouncing HENNINGSEN as an agent of WALKER. To this VIDAURRI returned an answer rather summarily dismissing LOCKRIDGE and his pretensions.

The *Boletin* then goes on to denounce as an absurdity the idea entertained in the United States that the people of Northern Mexico desire to establish an independent Republic, and declares that even if they entertained such an desire, they would a thousand times repudiate it rather than seek foreign aid for its consummation.

The *Boletin* of the 19th contains the following letter from General HENNINGSEN, in reply to charges of LOCKRIDGE:

MONTERREY, Sunday, April 18, 1858.

TO HIS EXCELLENCY Gov. VIDAURRI—*Dear Sir*: The publication in the official bulletin of yesterday, of the correspondence held with Col. LOCKRIDGE, and the mention of myself made in it, imperatively demand that I should deny certain charges and insinuations made against me. You are sufficiently well-informed in these matters to know that this step is not necessary in order to satisfy your Excellency. It is, however, for my own satisfaction that I ask the publication of this unlimited contradiction of the public accusation brought against me.

In short, the assertion of LOCKRIDGE that I have contemplated, or spoken of, or approved the invasion of this country, is totally false and void of foundation. I have never seen CARVAJAL, nor have I had any communication with him, nor have I ever been in Camargo in my life. I am not the agent of Gen. WALKER, although I am his personal friend; and it is not an abuse of confidence to say that considering himself a Nicaraguan he will not meddle in the affairs of Mexico, nor could he under any circumstances be persuaded to take part in them.

This, Sir, is a true statement, which will be published on both sides of the Rio Grande, and which is made by a man who appeals to facts, and who challenges any one to prove that he has ever said or written anything false, or that he has ever been disloyal to any cause he has embraced, whether fortune has been adverse or propitious.

I believe that for the public this will be a sufficient refutation of the charges which were intended to be kept secret, but which you fortunately and wisely have made public. They are charges made by a man who apparently cannot, even by accident, speak or write the truth, and whose services, according to the little that is known of his short military career, however pressing might be the circumstances in which your country might be involved, could not be of the slightest use to you, unless your adversaries could be induced to accept them.

As a citizen of the United States, I have come publicly with a passport from the Secretary of State, in order to visit this city; and far from contemplating any injury to the inhabitants of this country, I entertain the greatest friendliness toward them—sympathizing with the Liberal Party, which I hope may be successful in the efforts it is making.

I will say, moreover, that my friends, as well as myself, do not approve illegal expeditions to disturb the people of this frontier, and that we will use all our influence to avert them. That is to say, to prevent the passage of any parties without previous special invitation from a legitimate and liberal government, and, even under such circumstances, we would oppose them, without previous mutual guarantees to insure the fulfillment of the compact, and to preclude any motive for disagreement.

By strictly observing good faith, and by giving an impulse to reciprocal interests, we shall be enabled to dispel many of the misunderstandings which exist between the citizens of Mexico and those of the United States, my adopted country. This will be a benefit to both countries, and I entertain the firm conviction that time will produce this result.

I improve this opportunity to return thanks for the hospitality with which I have been everywhere received, I being an humble witness of the general satisfaction expressed with the present form of government, as well as with the prosperity of this its principal city, which argues a future full of hope for the development of the country under the auspices of the party which you represent, as soon as circumstances shall permit attention to be devoted to internal reforms.

I remain yours, with great respect.

C. F. HENNINGSEN.

To this letter General VIDAURRI replied as follows:

MONTERREY, April 20, 1858.

MY DEAR SIR: The nature of the subject adverted to in your letter of the 18th inst., demanded its early publication in the official organ of the Government, to inform the people on those matters which you point out, and to satisfy their desire that the refutation of those charges which had been publicly made should see the light. Entertaining a favorable idea of yourself from the promises which you set forth in your letter, and those which you have verbally communicated to me, I consider that, not only for myself, but for all men of judgment, the course you have pursued stamps you as a gentleman, and leaves you in possession of your good name; qualities which we greatly appreciate, and which, notwithstanding the contrary insinuations of Mr. LOCKRIDGE, are very evident in yourself, through the explanations which set them forth clearly.

I congratulate you and myself that so favorable an opportunity has presented itself to enable you to vindicate yourself from an accusation which, it can scarcely be believed, could have been made against men of education, from whom I think there ought always to be expected all that is right and moral, and never to consider them capable of committing criminal acts such as the invasion of this country, which, notwithstanding that it is involved in civil war, maintains towards foreigners those considerations belonging to their class, and gives no right to them by its unsettled condition to mix themselves up with its affairs, nor to outrage its majesty, carrying on a war that has no name.

I thank you for your desire to oppose with your influence, and that of your friends, the passage of the Rio Bravo by parties of adventurers without the requisite legal authority, and accept them equally for the good opinion you express in regard to the prosperity which you observe in this State under my command, and which you attribute to the development of liberal principles.

This, from the lips of a citizen of the United States—from a man who has visited enlightened nations—honors us exceedingly, and is another motive of gratitude on the part of his affectionate servant, who places himself at his command and kisses his hand.

SANTIAGO VIDAURRI.

To. Gen. C. J. HENNINGSEN.

From Kansas.

THE TROUBLES IN THE VICINITY OF FORT SCOTT.

Correspondence of the St. Louis Republican.

WESTPORT, Saturday, May 8, 1858.

Dr. HAMILTON, from near Fort Scott, arrived here to-day, bringing dreadful accounts of the troubles in that region. The notorious Capt. MONTGOMERY, who destroyed the ballot-box at one of the polls during the election on the 4th of January last, had driven every Pro-Slavery and conservative Free-State man out of Linn and Bourbon counties.

He first gave notice to all those who were Pro-Slavery, or who voted on the Lecompton Constitution—for or against it—to leave, and if they did not, he proceeded to destroy their property, and otherwise harass or persecute them. MONTGOMERY and his "army" had succeeded in depopulating the neighborhood of the Marais de Seigne, Mill Creek and Marmiton, and after running the settlers into Missouri, his desperate clan went over the borders to plunder and murder.

A Mr. MILLER, in Bates County, Missouri, had been ordered to leave, or be driven away. A Mrs. HOONWICK, of same county, had even her clothes stolen away, and her son, who made some resistance to the ruffians, was shot in the shoulder.

Horse theft, murder, and every kind of plunder is the order of the day. What it will all end in, who can say? It is a serious affair.

Capt. HAMILTON, from Bourbon County, K. T., has arrived here with his stock and negroes, having found it impossible to remain with safety. H. C. P.

BURNING OF THE MACHINE SHOPS OF THE NEW ALBANY AND SALEM RAILROAD—LOSS $250,000.—The New-Albany (Ind.) *Tribune Extra* of the 14th says: About one o'clock this morning a fire broke out in the machine shops of the New-Albany and Salem Railroad Company, in this city, which spread,

The New-York Times.

THURSDAY, MAY 20, 1858.

Announcements this Evening.

WALLACK'S THEATER, Broadway and Broome—Adventure in Paris—The Fright Lady.

BURTON'S GARDEN—The Broken Marriage—Three Rose—Rogers.

LAURA KEENE'S THEATER—The Jealous Wife—The Love Knot.

BOSTON'S THEATER—The Odd Trick—Taking by Storm—Fair but Cool Away.

BOWERY THEATER, Bowery—Mysteries of Paris—Man with the Iron Mask—Swiss Maid.

FUREAUX NATIONAL THEATER, Chatham-street—Duke of Marsh—Don Juan—Indian Kiss.

NIBLO'S SALOON—Afternoon—Ixion Assurance. Evening—Seraglio Scenes.

NO. 585 BROADWAY—Exhibition of Plans for Improvements in Central Park—9 A. M. to 10 P. M.

NO. 539 BROADWAY—Kennedy's Minstrels—Ethiopian Melodies—Sandford and Wood's Minstrels—Ethiopian Melodies—Sandford and Wood's Minstrels—Ethiopian Melodies—Sandford and Wood

THE LATEST NEWS FROM EUROPE.

ARRIVAL OF THE NIAGARA.

Proceedings in Parliament.

Resignation of Lord Canterbury in Australia.

Abolition of Land Confiscations in Ceylon.

The British Steam-ship Europa Disappears.

Death of Anson G. Phelps.

TARRYTOWN, Wednesday, May 19, 1858.

On the arrival of the morning papers, our citizens were very much shocked by the announcement of the death of our beloved friend, ANSON G. PHELPS, Esq., of 409 Broadway, New-York.

Mr. PHELPS owned a fine country residence in the neighborhood of our village, and as the time approached for his removal to the City on each autumn, he usually returned to this delightful retreat, and spent the winter season, his friends—and they were many—were sorry to have him leave. He usually returned to his country residence about the 1st of June, and his very presence brought joy to many a heart. But instead of joy, deep sorrow is in every heart, when it is known that one who was so highly esteemed by the people passes through our streets. The first words uttered are, "ANSON G. PHELPS is dead." Then the question, "How did he die?" Was he killed by the cars, or by the upset of a carriage? Was he drowned? Was he murdered? Was he thrown from his horse? Was he struck by lightning? Was he killed by a fall? Was he poisoned? Was he assassinated? Was he shot? Was he stabbed? Was he hung? Was he drowned? Was he frozen to death? Was he burned to death? Was he scalded to death? Was he smothered to death? Was he choked to death? Was he starved to death? Was he blown up with gunpowder? Was he killed by machinery? Was he killed by a fall from a building? Was he killed by falling through the hatchway of a ship? Was he killed by a fall from a tree? Was he killed by a fall from a precipice? Was he killed by a fall from a bridge? Was he killed by a fall from a steeple? Was he killed by a fall from a church? Was he killed by a fall from a house? Was he killed by a fall from a wall? Was he killed by a fall from a fence? Was he killed by a fall from a horse? Was he killed by a fall from a wagon? Was he killed by a fall from a carriage? Was he killed by a fall from a boat? Was he killed by a fall from a ship? Was he killed by a fall from a steamboat? Was he killed by a fall from a railroad car? Was he killed by a fall from a railroad bridge? Was he killed by a fall from a railroad train? Was he killed by a fall from a railroad engine? Was he killed by a fall from a railroad tender? Was he killed by a fall from a railroad platform? Was he killed by a fall from a railroad depot? Was he killed by a fall from a railroad station? Was he killed by a fall from a railroad office? Was he killed by a fall from a railroad ticket-office? Was he killed by a fall from a railroad freight-house? Was he killed by a fall from a railroad passenger-house? Was he killed by a fall from a railroad baggage-house? Was he killed by a fall from a railroad warehouse? Was he killed by a fall from a railroad shop? Was he killed by a fall from a railroad workshop? Was he killed by a fall from a railroad engine-house? Was he killed by a fall from a railroad car-house? Was he killed by a fall from a railroad car-shop? Was he killed by a fall from a railroad car-factory? Was he killed by a fall from a railroad car-manufactory? Was he killed by a fall from a railroad car-warehouse? Was he killed by a fall from a railroad car-depot? Was he killed by a fall from a railroad car-office? Was he killed by a fall from a railroad car-ticket-office? Was he killed by a fall from a railroad car-freight-house? Was he killed by a fall from a railroad car-baggage-house? Was he killed by a fall from a railroad car-warehouse? Was he killed by a fall from a railroad car-shop? Was he killed by a fall from a railroad car-workshop? Was he killed by a fall from a railroad car-engine-house? Was he killed by a fall from a railroad car-factory? Was he killed by a fall from a railroad car-manufactory

SITUATIONS WANTED.

FEMALES.

WANTED—A HOUSEKEEPING SITUATION BY a respectable middle-aged woman; is a good cook, washer and ironer; has no objection to go to the country. Call for two days at No. 38 Bleecker-st., up stairs.

WANTED—BY A MOST RESPECTABLE YOUNG woman, a situation as chambermaid and seamstress; is a first-class dressmaker; can be highly recommended by present employer, with whom she has lived for the last two years; no objection to travel. Call at No. 38 Bleecker-st., up stairs.

WANTED—A SITUATION AS HOUSEKEEPER; is a good cook, washer and ironer; has no objection to the country

the New-York Times, illustrated, May 21, 1858.

NEW-YORK CITY.

Board of Education.

The Commissioners of Education met last evening, Mr. Prosser, the President, in the Chair.

A resolution was offered to rescind one previously adopted by the Board, which (we mean the first in point of time) confirmed the award of a contract to the amount of some $5,100 or upwards for repairs to School No. 35 in the Eighth Ward. The resolution now offered was introduced with a view to confirm a second award which involved an additional sum of money, and this was asked for on the ground that, as the builder to whom the contract was originally given was unable to furnish the requisite securities, the prompt and proper performance of the work required that the award should be given to the next highest bidder, even though it required an additional outlay.

After discussion as to the propriety of introducing the system of permitting contracts to be given to other than the lowest bidders, the resolution to rescind was adopted, and the extra appropriation approved, by a large majority.

A petition presented by the School Officers of the Ninth Ward, asking an appropriation of $7,967, to defray the expenses of repairing School No. 7, was laid over.

A petition from the School Officers of the Ninth Ward, asking permission to advertise for bills for the erection of a new Primary School house on the ground now occupied by Primary School No. 40, was laid over.

A resolution directing the President to sign warrants for the payment of the salaries of teachers who have been disqualified for that office by reason of their failure to attend to school officers, as soon as he shall be satisfied that those teachers have ceased to continue disqualified, was accepted.

On motion it is resolution asking by what authority the Ward Academy catalogue was published, the chairman of the Executive Committee cited the 97th section of article 10 to the Manual, and declared that the Board was satisfied of the accuracy and completeness of the catalogue.

The Committee of the Finance Committee reported adversely concerning the salaries of the Deputy and Register.

Mr. Wickham offered a resolution to raise the salary of the former to $3,000 and that of the latter to $2,500.

This resolution was carried nem. con. The Board then adjourned.

Commissioners of Emigration.

The following is the usual weekly statement of the Commissioners:

Number Emigrants arrived to May 12, 1858		16,469
Number Emigrants arrived since to May 19		1,713
Total		18,182
Do. commutation to 1857		42,527
Do. transfers in institution W. I.	1858. 1,166	1857. 1,319 — 1856. 1,492
Do. transfers in institution M. H.	97	184 — 175
Total	1,263	1,503 — 1,667
Cash balance in Bank Jan. 1, 1858		$33,155 29
Do. receipts to May 19		36,271 05
Do. moneys since to May 19 for commutation of alien passengers	7,006 35	45,277 40
Total		$77,443 29
Disbursements as per previous account to May 6, 1858		$60,723 04
Current expenses of May 5 and 12	4,307 20	65,030 44
Balance of Commutation Fund		$12,402 85

GEO. W. WHEELER, Treasurer.

Charitable Concert.

A Concert will take place on Friday, May 21, at the Mercy Hill Seminary, of Mrs. HOWLAND and Sisterhood, No. 69 East Thirty-fifth-street. The pupils and teachers have volunteered their services in the arrangement of a musical entertainment, the proceeds of which will be devoted to the relief of the Sixth Sewers' Union, in whose behalf, it will be remembered, a course of lectures was recently delivered in our City. We trust they will have an overflowing audience, as earnest to evince richly-deserved appreciation of a noble undertaking, as they should likewise be for the enjoyment of the musical treat produced by the programme.

Fire.

IN MOTT-STREET.—At 3½ yesterday morning a fire broke out in the cabinet-shop Nos. 104 and 106 Mott-street, owned by Mr. JACKSON. Before the fire was extinguished the loss on the stock and tools amounted to $2000, on which there is no insurance. The origin of the fire is unknown.

(Advertisement.)

SCENE IN THE BRANDRETH HOUSE, MAY 14.—(Six gentlemen seated around a table.)

FIRST GENTLEMAN.—This house is owned by the grandson of the celebrated Brandreth Pills, which have cured, I believe a brother who lives in Pennsylvania, and who was for a long time sick. The doctors around did not seem to help him; his courage and energy failed; his step was feeble, and his countenance and eyes indicated constant physical debility. Finally he was prevailed upon to take BRANDRETH'S Pills, and, strange as it may appear to you, the first box put him right on his feet, and their use for a few months restored him entirely to perfect health. He thinks that Dr. BRANDRETH is superior to all living men.

SECOND GENTLEMAN.—I am from Buenos Ayres. The brother of Rosas was for many years a bed-ridden paralytic. No idea was entertained that he would ever recover the use of his limbs. His case was supposed hopeless; but an enlightened Jesuit said, "Try a few boxes of BRANDRETH'S Pills; thy may possibly benefit you." He used a few doses, and was helped. He continued them daily; he increased to ten pills, night and morning; he began to feel the circulation in the remote extremities. The use of the Pills was further judiciously persevered in; suffice to say, that in less than two years he was perfectly cured, having resumed the use of his limbs completely. He immediately had a picture of Dr. BRANDRETH painted, as his tutelary saint, and to this day he has burning before it two large candles, which he designs to continue, in proof of his veneration for the man whose Pills restored him to health. Mr. GRAHAM, United States Consul at Buenos Ayres, narrated to me the above facts, and I know them to be true.

THIRD GENTLEMAN.—BRANDRETH'S Pills have made some cures here. A friend of mine, of large fortune and high social position, was afflicted with a dropsy. His physicians gave him no hope, advised him to settle his worldly affairs, for his time on earth was to be of brief duration. He was directed by a special Providence to BRANDRETH'S Pills; he read over a pamphlet relating to them; he took a first dose; he followed the plan of purgation right onward; his largest dose was fifteen pills in a single day. The catechesis were aroused to action—the excess of watery deposits were removed, and in the very prime of his manhood, as a gentleman, he was restored to vigorous health. Dr. BRANDRETH'S Pills have not begun to be half improved.

FOURTH GENTLEMAN.—I know BRANDRETH'S Pills are a wonderful remedy. In Jagrao, Rio Grande, Brazil, they were administered to a man who had been sick for two years, confined to his bed, with inflammatory rheumatism. His limbs were contracted and drawn up, his hands closed and stiffened. He took the pills four in the morning and four in the evening, and drank freely of beef soup, which was his only diet. In six weeks he was entirely cured, and rode six miles to see me on horseback. This cure, effected by BRANDRETH'S Pills, after many medicines and physicians had failed, caused the son of Dr. BRANDRETH to sell, at retail, $1,700 worth of his pills in that little town in two weeks.

FIFTH GENTLEMAN.—A Mr. UNDERHILL, of Westchester County, who fought in the War of 1812, is a great admirer of Dr. BRANDRETH, because, he said, his pills saved his life. He was suffering from a cancerous affection in his left breast, and had been under treatment for three years without any benefit. He finally consented to try the different patent medicines, but got no better until he began with BRANDRETH'S Pills. Seven taken every night, in doses varying from five to ten, cured him entirely in two months. Some time after he was badly hurt by a tree falling upon his back, but still he took BRANDRETH'S Pills every day. His surgeon told him they could do no good for a local injury, and that it would be at least a year before he could walk. In three weeks he was restored to health, and ascribes his recovery to them. He swears he will vote for BRANDRETH as long as he lives.

SIXTH GENTLEMAN.—And these Pills are sold at No. 294 Canal-street, Brandreth Building.

SEVENTH GENTLEMAN.—They are, at 25 cents a box.

(Advertisement.)

THE REASON WHY.—It has often been observed of great men belonging to the old world, that their coats are none of the best. The reason is obvious, we think—not in the circumstance of these notabilities having no taste for elegance in adornment, but because there is nobody near to furnish them properly—no artist like KNOX, of No. 212 Broadway, corner of Fulton-street, who is the very prince of hatters all over the world.

(Advertisement.)

ROSALIND HUBERT AT BARNUM'S.—Immense hit with the new drama at Barnum's Museum yesterday. Will be repeated to-night. "Rosalind Hubert; or, The Hill-side Tragedy," is a noble and most effective production. Conn never wrote a better *Ledger* story—Barnum never dramatized one more exciting. Susan Denin is wonderful in it. Received with shouts of delight. Very amusing piece this afternoon.

(Advertisement.)

QUEEN'S COD LIVER OIL JELLY.—Approved by the New-York Academy of Medicine.—This elegant preparation is devoid of all offensive taste and retains all the properties of the oil in a most efficacious form.

E. QUEEN, Chemist, No. 126 4th-av.,
TROTTER, CLAY & Co., No. 4 Fletcher-st.

(Advertisement.)

☞ HORTON Sewing Machine Company's New Patent Sewing Machines, only twenty-five dollars; unsurpassed in simplicity, unsurpassed in capacity and durability. Superior to the highest price machines, far cheaper the cost. A child can manage it. Purchasers receiving will receive full instructions, at [illegible]

(Advertisement.)

[illegible] part of the Bronze Bulletin [illegible] Westminster, may be seen [illegible] GOUPIL, WARNER & Co., [illegible] agent to any work of the kind on the Continent of Europe.

(Advertisement.)

AN UNUSUAL EXHIBITION
Of the late Arctic G. Perry
may be seen among the collection of Photographs at New York Museum of Anatomy,
at
Harris Gallery,
No. 359 Broadway, over Thompson's.

LAW INTELLIGENCE.

COURT CALENDAR.—THURSDAY, May 20.

COMMON PLEAS—*Part I.*—Nos. 175, 179, 182, 188, 189, 190, 193, 194, 195, 215, 216, 219, 227, 242, 244. *Part II.*—Nos. 150, 236, 250, 251, 253, 255, 256 to 262.

SUPREME COURT—CIRCUIT—*Part I.*—Nos. 490, 502, 520, 521, 522, 523, 526, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 737, 739, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 1018, 1021, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 807, 842, 498, 754, 985, 997, 1001, 1002.

THE GREAT RAILROAD FRAUD.

Examination of Mr. Henry Dwight before the City Judge.

The preliminary examination of Mr. Henry Dwight charged with embezzlement, perjury, and conspiracy to defraud the Chicago, Alton and St. Louis Railroad Company, was resumed yesterday before the City Judge, Mr. Oakey Hall appearing for the prosecution, and Mr. Stoughton for the defence. The case was, as at the last hearing, that of perjury at the suit of William Brown, of the firm of Brown, Brothers & Co.

Frederic A. Emigh examined by Mr. Hall: I am in the office of the County Clerk of Dutchess County; I have made search for all papers in that office appertaining to the action entitled "William Brown and others" against "Henry Dwight and others," pending in the Supreme Court; I produce all the papers I have found on file in that suit; the first package is indorsed, "Affidavit and papers in order have to January 12, 1857, to file answer, and that the plaintiffs show cause, Jan. 12, why report, if referee should not be set aside, and staying proceedings," &c.

Mr. Hall read the affidavit of Mr. Baker, attorney of Mr. Dwight, to the effect that he directed his clerk to post the answer in the suit to the address of Mr. Tompkins, of Dutchess County, and that the said answer was signed by Henry Dwight and his wife, with whose signatures he was acquainted.

Cross-examined by Mr. Stoughton.—I have been four years employed in the office of the Clerk of Dutchess County; I have produced all the papers I could find pertaining to the suit in question; I came from Poughkeepsie this morning; I came at the direction of Mr. Tompkins, the County Clerk; the witness, at the direction of Mr. Stoughton, marked with his initials all the papers he found in the County Clerk's office; I was requested to look for these papers by the Clerk, and by nobody else; I identify these four packages as all I found pertaining to this suit, and brought to this City with me; I delivered them on my arrival here to Mr. Hall, in his office; he kept them from five to ten minutes; they were in an open package; George H. Tompkins has been Clerk of Dutchess County five years since last January; we intend to keep the papers in our office in Dutchess County, securely; whether we do or not, I will not say positively; I know George H. Tompkins' signature; the certificate you show me bears his signature.

Mr. Stoughton read the certificate in question, as follows:

SUPREME COURT—DUTCHESS COUNTY.

William Brown and others vs. Henry Dwight, Jr., and Mary his wife, and others.—I certify that the answer of the defendants, Henry Dwight, Jr., and Mary, his wife, in this action was this day filed in my office.

GEORGE H. TOMPKINS,
Clerk of Dutchess County.

POUGHKEEPSIE, Jan. 7, 1857.

I don't recollect ever having seen the answer referred to in this certificate.

Joseph T. Mills examined by Mr. Hall—I am a counsellor-at-law, and was Commissioner of Deeds in this County in 1856; I believe I know Mr. Henry Dwight; I know Mr. Baker; I recollect calling at Mr. Dwight's house, for the purpose of administering an oath; when I called I saw Mr. Baker; I administered an oath to Mr. Dwight and his wife; all that I know about Mr. Baker being the attorney in Mr. Dwight's suit was that he was there; nothing was said by Mr. Dwight as to what the paper was; I called on several occasions to administer oaths to Mr. Dwight; I remarked to him that he had a great deal of swearing to do; I do not recollect how often I swore Mr. Dwight and his wife to any paper; probably two or three times; I think Mr. Dwight took the usual oath on the Bible, and did not affirm; it might have been by the uplifted hand; the time that these oaths were administered, I should guess, was within a period of six months; Mr. Dwight never came to my down-town office; I remember on one occasion of being at Mr. Dwight's house and administering an oath to him and his wife in the Winter; I think it was in January, 1857.

Cross-examined by Mr. Stoughton—The time I was there, in the Winter I allude to, must have been about the early part of January, 1857.

Clarkson N. Potter, examined by Mr. Hall—I am a counselor at-law; I know Mr. Henry Dwight; I know of a suit in the Supreme Court entitled "William Brown and others vs. Henry Dwight and others;" I am counsel for the plaintiffs in that action; I have brought with me the papers connected with that action; the original complaint has been filed, I believe; I have what purports to be, and what I believe is, a copy of the original complaint; I now produce it; I have the copy of the answer first served in that suit, which I now produce, (exhibit B;) I have not a copy of an answer served at the time of the motion for a commission for certain moving papers; my recollection is that no such copy was served; the paper now shown me (marked C) and purporting to be copies of moving papers, was served on the 3d January, 1857; I was counsel for Messrs. Brown & Co. in the matter of their obtaining an assignment of the lease of the Chicago, Alton and St. Louis Railroad to Hamilton Spencer; I cannot state from recollection exactly the date when that assignment was obtained, but could by reference to it, or other papers; I now recollect it was on or about November, 1855.

Cross-examined by Mr. Stoughton.—I have been counsel for Messrs. Brown & Co. generally since January, 1856; I received another copy of what purported to be the answer of Dwight and wife in the case to which I have referred; it was served on Jan. 20 last; I declined to accept it; we either retained it, or it was returned, and again returned to us; I now produce it (marked Exhibit D.;) the letters and figures, "R. C. D.," "J. A. N.," "20th, 1858," indorsed on the copy; are in the handwriting of my brother, Robert B. Potter; apart from that indorsement, have a recollection as to the time the copy was received; I found it lying on my desk one morning in January last, stated to have been just served, and my attention to the date, more particularly, was drawn by reason of the correspondence of the date of the *jurat* to the copy, which is the corresponding month of the year before; I immediately caused a notice to be sent that I could not accept it, and Mr. Harrington's clerk returned immediately afterwards, stating that it had been served that day; my recollection is that it was January, 1858; I do not discover any signs of erasure or scratching in the paper, but the figure 8 in 1858 looks as if it had been written over the figure 7; no proceedings were taken in the suit from about the time the motion was argued, in January, 1857, until about Dec. 30 of that year, as far as I now recollect, except noticing the orders for settlement; as counsel for Brown & Brothers, I examined the lease to Spencer before it was executed; I do not call it a lease; I suppose you allude to the agreement between Hamilton Spencer and the Chicago, Alton and St. Louis Railroad Co. for the operation of that road, sometimes styled the lease; this agreement, before it was executed, was submitted to me for inspection and approval; I suggested alterations therein, consisting, as nearly as I now recollect, in additions; as finally executed, it met my approval, in form, and that was all I was instructed to examine; I had nothing to do with making the bargain, but as expressing the arrangement it met my approval; it was prepared, in conjunction with me, by Henry S. Dodge, Esq., deceased, entirely, and was submitted to me complete, and on the same morning I suggested the changes referred to; those were respecting it they got engrossed in the wrong place, which led to the execution of another instrument; there were two assignments, and I think the second one covers both agreements; these two leases or agreements were executed at different times; the first, as I understood, on Aug. 31; the second would appear from the resolution annexed, to be in October, 1855; I was only instructed as to the form of the lease; I was informed that a lease or agreement for running the road had been determined upon by the Company, and drafted by Mr. Dodge; I was desired to see if it met my approval in form, and suggest anything that occurred to me in that respect for the interest of my clients, Brown, Brothers & Co.; I was so informed by Mr. Stewart Brown, and he so instructed me; I think the assignment was made in November; I think I drew both assignments; they were forwarded to Mr. Spencer, by whom they were executed in Illinois; the copy of the answer produced by me and marked B, ever since its service on my brother, has been in our office, with the exception of such times as it was used on trial, or as it was lent out.

To Mr. Hall.—I first saw the suit called "Spencer lease" in draft, on August 20, 1855, the day before it was executed, and I was first instructed by my clients in regard to the interest they had in it, I think on the morning of the same day, and the draft was submitted to me the same day; my recollection is not quite clear about the day; my books will shew; the allegation in respect to the connection of Brown, Brothers & Co., with the lease, contained in the first answer, was embraced in the second when served, but there are differences between the copies; they will appear from the inspection of the copies.

John Baker recalled, and examined by *Mr. Hall*—The moving papers, marked C, were drawn up either by *Mr. Stoughton, or* under his direction; I have only recently had acquaintance with the papers; I do not know that they were ever in my office; it has my name to it, but not in my handwriting; so with the paper marked B—it has my name attached to it, but not by me; I suppose William Twyford, my clerk at that time, wrote it.

The examination was at this point adjourned to Wednesday morning, at 10 o'clock.

The Lager-Bier Case.

A WITNESS DRINKS ONE HUNDRED AND SIX GLASSES IN A DAY.

COURT OF COMMON PLEAS,
Before the Hon. Judge Daly.
WEDNESDAY, May 19.

The case of the People *vs.* George Maurer, was continued. The defendant keeps a lager-bier saloon, and stands charged with vending intoxicating liquors on Sunday. The important question in the case is, "Is lager-bier intoxicating?" Soon after the opening of the Court, this morning, Judge DALY stated that he had received a letter from one of the Jurors in the case, stating that he was suffering from an attack of bilious colic, and consequently would not be able to attend. He, therefore, requested to be excused from serving on the case, and his request was granted.

Counsel for the defendant, Mr. WILLIAM C. WILSON, was then called. He testified that he had been in the habit of visiting lager-bier saloons for the purpose of ascertaining whether they were kept in accordance with the law. He had visited a great many saloons in this City, and the average number of glasses of lager-bier drank by persons visiting them, at a single sitting, was about five or six—sometimes more and sometimes less. He considered Sunday as the best day of the week for the saloons; there there was music, they were patronized by women as well as men.

Luther R. Marsh, summed up for the defence, arguing that from the testimony of the chemists and medical men who had been examined, and of those who used lager-bier freely, the Jury must arrive at the conclusion that lager-bier is not intoxicating. When he had concluded, the Court adjourned to Thursday morning, when Mr. MALKSON, Acting District-Attorney, will sum up for the people.

In yesterday's report a mistake occurred, in stating that Dr. Henry Andrews had kept a lager-bier and liquor saloon. That was the case of another witness. The doctor is a practising physician in this City, and has never been in any employment out of his profession. Dr. Andrews testified that he had chemically tested lager-bier, and had published a pamphlet, giving the result of his chemical examination.

Before Judge Bosty.

Conrad Enele vs. Charles P. Hackenback.—This was a crim. con. case, tried before the Judge, without a Jury. The Judge awarded $500 to the plaintiff, and in doing so stated that it might appear small damages, but as the suit was brought by the plaintiff for the loss of his wife's society, and as it was shown that he had been previously separated from her by mutual consent, which were mitigating circumstances, he could not justify heavy damages.

George Ely vs. William Foster.—This was an action for assault and battery. The defendant claimed that the assault, if committed at all, was in the course of service of a legal process, as Constable, which was resisted by the plaintiff. Judgment for plaintiff, $500.

Brooklyn Items.

KINGS COUNTY BOARD OF SUPERVISORS.—An adjourned meeting of this Board was held in the old Court room, County jail, yesterday afternoon. President CAMPBELL occupied the chair and a quorum of members was present.

The Chair announced the following

STANDING COMMITTEES:

On Accounts of Superintendents of the Poor.—Messrs. Salem, Ralph, Cross.

On Accounts, of County Treasurer.—Messrs. Theall, Dick, Stryker.

On United States Deposit Fund.—Messrs. Sneden, Flaherty, J. G. Bergen.

On Equalization of Assessment Rolls.—Messrs. Smith, Schenck, Wall, J. G. Bergen.

On Accounts.—Messrs. T. G. Bergen, Woodworth, Cross.

On Jail.—Messrs. Cummings, Bogert, Schenck.

On Penitentiary.—Messrs. Bogert, Cagger, Theall.

On Almshouse.—Messrs. Markey, Sneden, Stryker.

On Special and Local Taxes.—Messrs. Ralph, T. G. Bergen, Smith.

On General Taxes.—Messrs. Dick, Crook, Delany.

On Laws and Applications.—Messrs. Crook, Delany, Wall.

On Salaries.—Messrs. Woodworth, Jackson, Studwell.

On Courts.—Messrs. Flaherty, Markey, Ryder.

On Lunatic Asylum.—Messrs. Cagger, Delany, Jackson.

On Grades.—Messrs. Delany, Studwell, Ryder.

A DUN.

The County Treasurer sent in a communication inclosing one from the State Comptroller, requesting the payment of the balance due on State taxes. The amount due is $102,269 43. The subject was referred to a Special Committee, consisting of Supervisors T. G. BERGEN, SMITH and WALL to report what is necessary to be done.

CLAMS.

A communication was received from the fishermen of Gravesend and Flatlands, asking for protection. They say that in consequence of strangers taking soft clams out of the Bay at seasons of the year when they are not healthy, their business has been nearly destroyed: They ask for the passage of a law prohibiting the digging of soft clams in Gravesend Bay between the 1st of May and the 1st of Sept.

The subject was referred to the country members for report.

THE POOR.

The Clerk reported, in obedience to a resolution adopted at the last meeting, that the amount levied in taxes of 1857, for support of the poor, was $185,000, and that $150,000 of this sum had been appropriated.

The Treasurer was directed to pay the balance ($35,000) to the Superintendent of the Poor as soon as collected.

A motion of Supervisor WALL was adopted to hold the regular meetings of the Board on the first Wednesday of each month.

The Board then adjourned for two weeks.

THE LATE FATAL AFFRAY.—The inquest on the body of PETER DESCHER, who died from injuries received at the hands of MICHAEL CONWAY, in the milk manufactory in Skillman-street, on the 13th inst., was concluded Tuesday, when the following verdict was rendered by the Jury: "That PETER DESCHER came to his death by a fracture of the skull, causing an effusion of blood upon the brain and compression of the brain, which was superinduced by blows inflicted by MICHAEL CONWAY, on the 13th inst., and we do further find that said CONWAY was perfectly justified therein." It will be remembered that the deceased shot CONWAY, the ball entering just below the eye, and lodging in the brain, inflicting a wound which will doubtless cause his death. After the shot was fired, the wounded man took a club and beat his assailant, inflicting such injuries that he died in less than ten hours afterwards.

The "accessories" have all been discharged from custody.

TWELFTH WARD CHARTER ELECTION.—The electors in this Ward had another chance on Tuesday to vote for Alderman, Supervisor and Constable, and, considering the fact that it was in the Twelfth Ward, the election passed off very quietly. Captain SHAUMAN, of the Third Precinct, had twenty-four men on duty during the day, and this force only succeeded in arresting thirty-two persons—four for illegal voting, and the balance for intoxication and disorderly conduct. It is a fact worthy of notice, that all of the inspectors and canvassers were sober on this occasion. There were three candidates in the field for each office, but, up to 11½ on Tuesday night, only the vote for Alderman had been canvassed, which showed that PATRICK HOGAN was elected, by about 70 majority over his highest competitor. It is supposed that GEORGE MCMAHON is elected Supervisor.

FIRES.—The fire at 12 o'clock on Tuesday night was in Mr. CROOK'S finding store, corner of Hicks and State streets. Loss $5,000. Insured in the Ætna Insurance Company at Hartford.

The alarm of fire at 7½ o'clock last night was was caused by the burning of a small frame building on Twenty-eighth-street, near Fifth-avenue, Gowanus.

The following Companies were reported by Capt. SMITH, of the First Precinct, for violating a city ordinance, by running on the rail tracks: Engines Nos. 1, 2, 6 and 14; Hook and Ladder Companies Nos. 1 and 2; Hose Companies Nos. 1 and 7.

THE BOARD OF EXCISE.—The Kings County Excise Commissioners will hold their first meeting on Tuesday next. It is not likely that any liquor dealers will apply for licenses this year. Last year a few paid for licenses, but the great majority of dealers sold without license and were not disturbed.

The District-Attorney has requested the Superintendent of Police to direct the Police in this city not to notify Coroner SNELL to hold inquests on bodies in the Western District, as such inquests are in violation of a law passed last Winter.

MAN MISSING.—FREDERICK L. WHITEHOUSE, residing in Graham-avenue, near Wyckoff-street, started for his place of business, in New-York, on Saturday last, and has not been seen by his family since. He is 24 years old.

FATAL ACCIDENT.—Yesterday morning, while workmen were engaged in laying the water pipes on Jay-street, near Johnson, the pavement and earth fell into the trench dug for the pipe, partially burying and seriously injuring three men, named JEREMIAH MAHAN, JOHN CARRIGAN and JOHN SMITH, all of whom were conveyed to the Hospital. MAHAN was badly crushed about the chest, and died within three hours after he entered. CARRIGAN had one hip and SMITH one shoulder injured. Both will recover.

SERIOUS ACCIDENT.—About 9 on Tuesday night, a daughter of Officer PATRICK E. DILLON, of the Third Precinct Police, residing in *Donnet-place, was so severely* burnt by her clothes taking fire that her life is despaired of. Mrs. DILLON went out for the evening, leaving the child, only 9 years of age, alone in the house, locking the door after her. A neighbor saw a *bright light in the house* and burst the door in, under the supposition that it was on fire. But instead of this, he found the child standing in the middle of the floor with its clothes on fire.

New-Jersey Items.

DISEASED SWILL-FED BEEF.—Three men named MERTIN WILLIAMSON, MICHAEL WILLIAMSON and NICHOLAS PEDE, were brought before the Recorder on Tuesday, on suspicion of having killed and prepared the meat of a diseased swill-fed cow for the butcher's stall. It appears that one of FRANK LESLIE'S detectives visited Jersey City for the purpose of inspecting the swill-milk institutions. He was accompanied in his perambulations by Officer CHASE. The last place visited was that of the WILLIAMSON'S, No. 9 Sun-street. They asked admission and were requested to wait half an hour, but as the door was left open *they walked in and caught them in the act of* cutting up a cow. A portion of the carcass was covered with blotches; the meat was tough and stringy and up in small lumps. When [illegible]

DEATH FROM OF AN INFANT FOUND.—The dead body of a female infant was found on Monday evening in the creek running along the road near Bergen Hill. It is believed the child was murdered. Officers are engaged endeavoring to ferret out the affair.

COMMERCIAL AFFAIRS.

For Markets see Second Page.

Sales at the Stock Exchange.....MAY 19.

$10,000 Indiana State 5s	90	220 Hud. Riv. R. R.	s2 36¼
5,000 Indiana State 5½s	90	600 do	s2 36¾
27,000 Missouri State 6s	94½	50 do	37¾
2,000 do	95	50 do	s30 37¾
5,000 do	95½	100 Harlem R.	13
2,000 Virginia 6s	92¾	10 Third-avenue R.	108
6,000 Brooklyn City 6s	96½	100 La Crosse & Mil. R.	8¼
1,000 Hu Riv RR 2d m	63¾	20 do	8¾
6,000 Har 3d mrt bonds	86	100 Reading R. R.	b60 46¾
11,000 Ill Cen RR bonds	90	50 do	s60 46¾
25 000 do	s90 89	100 do	b10 46¾
2,000 do	89¾	50 do	b60 46¾
5,000 do	89¾	100 do	46¾
1,000 C Clay 6 pct. bs	46¾	100 Mich. S. & N. I. R.	s30 26¾
3,000 La C. & M. L. G. B.	33½	200 do	26¾
1 000 do	33¾	50 do	b10 26¾
14,000 do	34	100 do	26¾
4,000 do	34½	100 do	b30 26¾
7,000 do	34½	100 M. S. & N. I. pref'd	b60 81
2,000 R. & Ill. T. F. M. B.	90	50 do	s30 80¾
25 Pacific Mail St. Co.	71¾	50 do	80¾
50 do	71¾	30 Panama R. R.	110
30 Ocean Bank	97	7 Ill. Cen. R. R.	99
125 Penn. Coal Co.	72	50 do	99¾
50 do	b60 73	150 do	s30 99¾
200 Garrison Gold Co.	7	50 Gal. & Chi. R. R.	s30 69
50 Del. & Hud. Can. Co.	103¾	50 do	s30 69¾
10 N. Y. Cen. R. R.	b10 87¾	75 do	69¾
130 do	87¾	100 do	69¾
50 do	87¾	100 Clev. & Tol. R. R.	s10 43¾
5 do	87¾	100 Chic. & R. I. R. R.	s60 72¾
100 do	b10 87¾	100 do	s60 73¼
200 do	s3 87¾	200 do	s3 73¾
100 do	b60 87¾	100 do	s30 73¾
50 do	s30 87¾	50 do	73¾
25 do	s30 87¾	100 do	73¾
245 Erie Railroad	24½	5 Mil. & Miss. R. R.	30

SECOND BOARD.

$1,000 Missouri State 6s	84¾	50 Hud. River R. R.	s10 30¼
4,000 N. Y. Cen. RR. 6s	89	200 Harlem R. R.	13
5,000 Genesee Branch Bs	69½	130 Stonington Railroad	40
2,000 La C. & M. L. G. Bs	34½	30 Mil. & Miss. R. R.	30¼
2,000 do	b60 34¾	500 Reading R. R.	s60 46¾
2,000 do	34¾	100 do	b30 46¾
5,000 M. S. & N. I. 1st m. bds	67½	100 do	s60 44¾
5,000 M. C. R. R. 8 pct. 1st mtge. 5y'g'f unds c. b	89¼	100 do	46¾
50 Pac. Mail Stm. Co.	71¾	30 Mich. So. & N. Ind. RR	26¾
50 do	s60 71	35 Panama R. R.	110
160 N. Y. Central R. R.	87½	25 do	109¾
50 do	s10 87¾	50 Gal. & Chic. R. R.	90¾
50 Erie Railroad	s10 24¾	50 Chic. & R. I. R. R.	s30 73¾
		100 do	b60 79

REPORTED SALES BY AUCTION.

$2,000 Mis. 6 ₱ c. b	85	50 Firemen's Ins. Co.	143
3,000 N. Y. & N. H. R. 1m	84½	5 Am. Ex. Co.	s3 30¾
12,000 N. Y. & H. 2d m. 7s	72¾	100 Brooklyn City R.	93¾
3,000 M. & Chi. R. 1st m. 7s	39	50 N. Y. C. Stage Co.	92½
310 Atlan. M. I. S. '58	78¾	10 Am. Ex. Bank	103¾
1,000 City of Lex. 6s	40½	13 Han. Bank	86
1,000 La C. & M. R. 7s	31	50 Phenix Bank	104¾
2,000 Ul. & Toledo R. 7s	60	110 But. & Drovers' Bk.	110¾
2,000 Mil. & Fl. R. 8s	93¼	10 Wash. F. & M. Co.	162
3,000 M. & H. 2d m. 7s	72¾	20 Equita. F. I. Co.	126
5,000 Ol. & Pitts. R. 7s	35	20 U. S. Fire I. Co.	132½
1,000 Cal. State 7s	87¼	60 Met. Fire I. Co.	98¾
1,500 Atlan. M. I. S. '58	79	80 St. Mara's F. I. Co.	115
10 Continental Bank	99¾	25 Har. Fire I. Co.	96
50 Park Bank	101	20 Beek. Fire I. Co.	115¾
18 City Bank of Rhyn	98	5 Am. Ex. Co.	93¾
10 Met. Fire Ins. Co.	99	10 Am. Ex. Co.	93¾

WEDNESDAY, May 19—P. M.

The continued favorable accounts from England, received to-day by the *Fulton* at this port and the *Niagara* at Halifax, to May 8, sensibly checked the downward tendency in prices at the Stock Exchange, noticed yesterday. Part of the decline on the Share list was recovered; State Stocks were again firm, and several of the Railway issues in large demand. Beyond restoring the general market to some degree of steadiness, the news had less effect than its own buoyant tenor so far as Cotton and the English Funds and Money market are concerned, would authorize. The lack of speculative activity in our own market, and the unusual circumstance for the Spring season that neither the *Bulls* nor *Bears* of the street have made a very formidable demonstration on the general list for nearly sixty days past, must account for the apparent indifference. At the same time it is to be remarked that the customary influences of the price and supply of Money are not wholly lost upon the daily operations at the Brokers' Board. The demand for the investment or dividend-paying stocks, though not large from day to day, is regularly telling from week to week upon their market value, and nearly all securities of this class are firm. To-day the abundance of Money, offered on temporary loan and short acceptances at 4@5 ₱ cent., is quite marked again, and the inside figure is becoming the rule, rather than the exception, where the stock collateral or paper offered is undoubted.

The changes in the Stock dealings, from the close yesterday, are an advance of ¼@½ ₱ cent. on New-York Central and Rock Island; ¼@¾ ₱ cent. on Reading, Hudson River, and Galena, and 1¼@2 ₱ cent. on La Crosse Land Grants: the last in consequence of the adjournment of the Wisconsin Legislature, without impairing in any way the validity of the Federal Grant, of which there was some fear entertained after the recent investigation of the circumstances attending its transfer to the La Crosse and Fon du Lac Companies. It is also understood, we believe, that the present Albany direction will be reelected by a large majority of the Stockholders. Some large parcels of Illinois Central Construction Bonds were taken yesterday and to-day at 89¼@90 ₱ cent., cash, and 89 ₱ cent., seller 60 days, on the advanced quotation from London. The stock attracts less attention and sold at 90@90¼ ₱ cent. The Belleville mortgages have advanced to 66 ₱ cent., and the Michigan Central 8s to 98½ ₱ cent. Pacific Mail shares, Panama, and Delaware and Hudson left off steady. Panama a small fraction under 110 ₱ cent. Milwaukee and Mississippi sold at 30½